

**Appendix A**  
**Notice of Preparation and**  
**Public Comment Letters**

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## NOTICE OF PREPARATION

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### Deep Creek EIR

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#### LEAD AGENCY:

**The County of San Bernardino**  
385 North Arrowhead Avenue  
San Bernardino, CA 92415-0182

**Contact: Matthew Slowik, MURP, MPA, REHS**  
Phone: (909) 387-4372

#### Consultant:



**RBF Consulting**  
3300 E. Guasti Road, Suite 100  
Ontario, CA 91764  
**Contact: Mr. Matthew Burris, AICP, LEED AP**  
(909) 974-4918

June 11, 2007

## **I. PROJECT LOCATION AND SETTING**

The Project site is located in western San Bernardino County, east of the City of Hesperia, and south of the Town of Apple Valley. The Project site is located within the Apple Valley Sphere Of Influence, and is located approximately 10 miles east-northeast of the interchange of Interstate 15 (I-15) and State Route 395. The Project is located east of Deep Creek Road and north of Round Up Way, between Deep Creek Road and the Burlington Northern and Santa Fe (BNSF) Railway tracks. Additionally, the Project site is located in the southwestern Mojave Desert and north of the San Bernardino Mountains.

Direct local access to the Project site is currently provided by Ocotillo Way, which is an unpaved roadway. Access to the site from I-15 can be achieved by traveling east on Main Street, east on Rock Springs Road, and north on Deep Creek Road.

The Project site is currently used for cattle grazing, and is mostly covered by grasslands and scattered Joshua trees. The natural community is moderately disturbed by grazing livestock.

The Project site sits on alluvium that has been terraced by mass grading and agricultural activities, altering the natural character of the Project area, and is located approximately one mile east of the Mojave River. The Project site drains to the northeast. The Project site is situated within an area of rural residential use, agricultural operations, and disturbed land. The adjacent land is primarily vacant, with scattered residential uses. A single metal building is located on-site and the site is partially fenced. Cattle operations are located directly south of the Project site.

## **II. BACKGROUND AND HISTORY**

On June 9, 2003 Lewis Operating Company ("applicant") submitted an application to the County of San Bernardino ("County") for approval of a general plan amendment, tentative tract map, and related entitlements (the "Application") to allow development of 202 residential lots on approximately 249 acres in the unincorporated area of the County and within the sphere of influence of the Town of Apple Valley (the "Project"). An Initial Study/Mitigated Negative Declaration (the "MND") was prepared by County staff for the Project for the purpose of complying with the California Environmental Quality Act (CEQA). The MND included various technical studies and other available information. As required by CEQA, the Draft MND was circulated for public review for thirty days (from July 21, 2005, through August 19, 2005). Comments were received from members of the public, including comments regarding land use compatibility, traffic impacts, and impacts to agricultural resources. On October 6, 2005, the County Planning Commission recommended that the County Board of Supervisors adopt the MND and approve the Application. On November 22, 2005, the Board of Supervisors, by unanimous vote, voted to adopt the MND and approve the Application. That previously adopted MND, its related technical studies, the Application, and information related to approval of the Application are available for review at the County Planning Department address shown below.

On December 21, 2005, Deep Creek Agricultural Association, an unincorporated association of individuals with concerns related to the Project ("Deep Creek"), filed a Petition for Writ of Mandate in San Bernardino County Superior Court seeking to set aside the approval of the Application, alleging a series of substantive and procedural failures to comply with CEQA (San

Bernardino County Superior Court Case No. SCVSS 133201) (the “Action”). Among the claims asserted by Deep Creek in the Action were allegations that the County had failed to identify or properly mitigate environmental effects of the Project, including those related to land use, air quality, traffic, loss of agricultural land, water quality, sewage, biological resources, and noise.

On September 13, 2006, the Court heard the arguments of the parties in Action and announced its ruling. On November 2, 2006, judgment reflected that ruling was signed by the Court and subsequently entered (the “Judgment”). The Judgment was entered in favor of Deep Creek on the basis that Deep Creek had “provided substantial evidence that a fair share argument exists that the Project does not comply with [CEQA] because [the County] has inadequately studied the Project’s traffic impacts.” With respect to all other allegations of Deep Creek in the Action, the Court ruled in favor of the County.

The judgment vacated all Project approvals and directed that, if the County was to exercise “its lawful discretion to re-approve the Project,” the County must first prepare an environmental impact report (an “EIR”) to “address the potential traffic impacts of the Project.” The Judgment also stated that, pursuant to Public Resources Code § 21168.9, the only required additional analysis to be contained in the [EIR]...shall be an analysis of the potential traffic effects of the Project.”

Consistent with Section 15070 (b)(1) of the CEQA Guidelines, the Applicant had agreed to all revisions in the original Project plans and mitigation measures reflected in the MND. The Project Description set forth below for the EIR which is the subject of this Notice of Preparation consists of the Project as approved by the Board of Supervisors on November 22, 2005, and includes those revisions and mitigation measures set forth in the MND. Therefore, consistent with the Court’s ruling in the Action, Section 15006 (d) of the CEQA Guidelines, and that Project Description, the scope of the EIR to be prepared for approval of the Project has been narrowed down to an analysis of the potential traffic effects of the Project.

### **III. PROJECT CHARACTERISTICS**

#### **Summary of Proposed Project**

The Project is a request for a General Plan Amendment to change the official land use district from AG-SCp (Agricultural with a primary sign control overlay) to RS-32m (Single Family Residential with a 32,000-square foot minimum parcel size) and an Improvement Level Overlay change from IL-4 to IL-2 and Tentative Tract 16569 for 202 single-family residential lots and 6 lettered lots to be developed in four phases on approximately 249 acres in an unincorporated area of San Bernardino County. Wastewater services will be provided by individual septic systems on each residential lot. The size of lots will average approximately 43,051 square feet, with the median lot size being approximately 43, 948 square feet. Of the proposed 202 lots, 68 lots located on the upper terrace of the Project site will measure less than one acre in size (0.74 acre minimum).

The Project also proposes to construct a drainage corridor trending in a north-south direction through the western half of the site in order to alleviate drainage impacts. Additionally, the Project proposes the construction of approximately 25,300 linear feet of new streets, and the construction of a perimeter wall surrounding the Project.

The Project would be developed in four phases (Phase I- 54 lots; Phase II- 60 lots; Phase III- 46 lots; and Phase IV- 42 lots).

#### **IV. POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT**

The Superior Court of the State of California, County of San Bernardino, has determined that the Project may have significant environmental effects pertaining to traffic impacts. Therefore, the County has initiated preparation of an EIR. The EIR will address potentially significant impacts associated with Transportation and Circulation based upon court direction, written responses to this Notice of Preparation ("NOP"), public and agency comments on the NOP, public scoping meeting comments, consultation with potentially affected agencies, results of available technical studies, and research conducted throughout the EIR process. The EIR will only analyze potential transportation and circulation impacts associated with the implementation of the proposed Project, in accordance with court direction. The following is a discussion of potential environmental effects that will be further analyzed in the EIR.

**Transportation and Circulation:** The EIR will summarize the results of a Traffic Impact Analysis (TIA) prepared for the EIR, which will address potential impacts to local roadways, intersections and state highways, as well as Congestion Management Plan (CMP) requirements. The analysis will also address the local issue of potential through-traffic on existing residential streets and potential traffic calming or other measures to minimize effects on existing neighborhoods. The EIR will also address construction-related issues such as traffic control and hauling associated with site grading. Mitigation measures will be identified, including the Project's fair share of improvements needed for existing or cumulative conditions.

**Additional Environmental Topics:** The EIR will include a discussion of alternatives to the proposed Project, but that discussion will be conducted consistent with Section 15126.6 of the CEQA Guidelines which provides that alternatives discussed are those which, among other requirements, must "avoid or substantially lessen any of the significant effects of the project." Because the only potential significant effects of the Project have been determined by the Court to be those related to traffic, the alternatives discussion will be limited to the alternatives, if any, which would avoid or substantially lessen the significant traffic effects, if any, of the Project. Similarly, the Court specifically found that there were no significant cumulative effects of the Project which would be the responsibility of the County. Therefore, the discussion of cumulative effects will be limited to potential cumulative traffic effects. Where consistent with the Court's ruling limiting the EIR analysis to traffic issues, the EIR also will address growth-inducing impacts, significant irreversible environmental changes that would be involved in the proposed action should it be implemented, and effects found not to be significant.

#### **V. ENVIRONMENTAL REVIEW PROCESS**

Following completion of the 30-day NOP public review period, the County will incorporate, if and where appropriate and consistent with the limitations of the Court's judgment in the Action, relevant information into the EIR, including the TIA and the results of any public sessions related to the scope of the TIA. Subsequently, a Draft EIR will be circulated for public review and comment for the required 45-day public review period. All individuals that have requested so will be placed on a Notice of Availability list for the Draft EIR. In addition, the Draft EIR and

related materials will be available for review at the County of San Bernardino Land Use Services Department, 385 North Arrowhead Avenue, San Bernardino, California, 92415. Following receipt of all written comments on the Draft EIR, the County will prepare Responses to Comments as part of the Final EIR.

Should you have any questions or comments regarding this Notice of Preparation, please contact Matthew Slowik at (909) 387-4372 or Matthew Burris at (909) 974-4918.

Prepared by:

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Matthew Slowik, MURP, MPA, REHS  
Senior Associate Planner  
County of San Bernardino

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Matthew Burris, AICP, LEED AP  
Consultant Project Manager  
RBF Consulting



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

Notice of Preparation

July 31, 2007

**RECEIVED**  
AUG 08 2007  
LAND USE SERVICES DEPT.  
ADVANCE PLANNING DIVISION

To: Reviewing Agencies

Re: Lewis Operating Corp, LHC Alligator, LLC (Deep Creek) Project  
SCH# 2005071104

Attached for your review and comment is the Notice of Preparation (NOP) for the Lewis Operating Corp, LHC Alligator, LLC (Deep Creek) Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

**Matthew Slowik**  
**San Bernardino County Land Use Services Department**  
**385 N. Arrowhead, 1st Floor**  
**San Bernardino, CA 92415-0182**

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Project Analyst, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2005071104  
**Project Title** Lewis Operating Corp, LHC Alligator, LLC (Deep Creek) Project  
**Lead Agency** San Bernardino County Land Use Services Department

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**Type** NOP Notice of Preparation  
**Description** General Plan Amendment to change the land use district from AG-SCp (Agricultural with a Primary Sign Control Overlay) to RS-20m (Single Residential - 20,000 square foot minimum lot size). Tentative Tract Map (#16569) to create 202 single family residential lots and 6 lettered lots on 249 acres.

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**Lead Agency Contact**

**Name** Matthew Slowik  
**Agency** San Bernardino County Land Use Services Department  
**Phone** 909 387-4147 **Fax**  
**email**  
**Address** 385 N. Arrowhead, 1st Floor  
**City** San Bernardino **State** CA **Zip** 92415-0182

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**Project Location**

**County** San Bernardino  
**City** Apple Valley  
**Region**  
**Cross Streets** Deep Creek Road / Ocotillo Way  
**Parcel No.** 0438-012-59, 0438-163-01/02,20&31  
**Township** 4N **Range** 3W **Section** 20NW **Base** SBBM

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**Proximity to:**

**Highways**  
**Airports**  
**Railways** ATSF  
**Waterways** Mojave River  
**Schools**  
**Land Use** AG - SCp (Agricultural w/ Primary Sign Control Overlay)

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**Project Issues** Traffic/Circulation; Cumulative Effects

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 6; Native American Heritage Commission; Public Utilities Commission; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Bd., Region 6 (Victorville)

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**Date Received** 07/31/2007 **Start of Review** 07/31/2007 **End of Review** 08/29/2007

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Resources Agency

- ☒ Resources Agency  
Nadell Gayou
- ☐ Dept. of Boating & Waterways  
David Johnson
- ☐ California Coastal Commission  
Elizabeth A. Fuchs
- ☐ Colorado River Board  
Gerald R. Zimmerman
- ☒ Dept. of Conservation  
Sharon Howell
- ☐ California Energy Commission  
Paul Richins
- ☐ Dept. of Forestry & Fire Protection  
Allen Robertson
- ☐ Office of Historic Preservation  
Wayne Donaldson
- ☒ Dept of Parks & Recreation  
Environmental Stewardship Section
- ☐ Reclamation Board  
DeeDee Jones
- ☐ S.F. Bay Conservation & Dev't. Comm.  
Steve McAdam
- ☒ Dept. of Water Resources  
Resources Agency  
Nadell Gayou
- ☐ Conservancy
- Fish and Game
- ☐ Depart. of Fish & Game  
Scott Flint  
Environmental Services Division
- ☐ Fish & Game Region 1  
Donald Koch
- ☐ Fish & Game Region 1E  
Laurie Harnsberger

- ☐ Fish & Game Region 2  
Banky Curtis
- ☐ Fish & Game Region 3  
Robert Floerke
- ☐ Fish & Game Region 4  
Julie Vance
- ☐ Fish & Game Region 5  
Don Chadwick  
Habitat Conservation Program
- ☒ Fish & Game Region 6  
Gabrina Gatchel  
Habitat Conservation Program
- ☐ Fish & Game Region 6 IM  
Gabrina Gatchel  
Inyo/Mono, Habitat Conservation Program
- ☐ Dept. of Fish & Game M  
George Isaac  
Marine Region
- Other Departments
- ☐ Food & Agriculture  
Steve Shaffer  
Dept. of Food and Agriculture
- ☐ Depart. of General Services  
Public School Construction
- ☐ Dept. of General Services  
Robert Sleppey  
Environmental Services Section
- ☐ Dept. of Health Services  
Veronica Malloy  
Dept. of Health/Drinking Water
- Independent Commissions, Boards
- ☐ Delta Protection Commission  
Debby Eddy
- ☐ Office of Emergency Services  
Dennis Castriello
- ☐ Governor's Office of Planning & Research  
State Clearinghouse
- ☒ Native American Heritage Comm.  
Debbie Treadway

- ☒ Public Utilities Commission  
Ken Lewis
- ☐ Santa Monica Bay Restoration  
Guangyu Wang
- ☐ State Lands Commission  
Jean Sarino
- ☐ Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques
- Business, Trans & Housing
- ☐ Caltrans - Division of Aeronautics  
Sandy Hesnard
- ☐ Caltrans - Planning  
Terri Pencovic
- ☒ California Highway Patrol  
Shirley Kelly  
Office of Special Projects
- ☐ Housing & Community Development  
Lisa Nichols  
Housing Policy Division
- Dept. of Transportation
- ☐ Caltrans, District 1  
Rex Jackman
- ☐ Caltrans, District 2  
Marcelino Gonzalez
- ☐ Caltrans, District 3  
Jeff Pulverman
- ☐ Caltrans, District 4  
Tim Sable
- ☐ Caltrans, District 5  
David Murray
- ☐ Caltrans, District 6  
Marc Blinbaum
- ☐ Caltrans, District 7  
Cheryl J. Powell

- ☒ Caltrans, District 8  
Dan Kopulsky
- ☐ Caltrans, District 9  
Gayle Rosander
- ☐ Caltrans, District 10  
Tom Dumas
- ☐ Caltrans, District 11  
Mario Orso
- ☐ Caltrans, District 12  
Bob Joseph
- Cal EPA
- ☐ Air Resources Board
- ☐ Airport Projects  
Jim Lerner
- ☐ Transportation Projects  
Ravi Ramalingam
- ☐ Industrial Projects  
Mike Tollstrup
- ☐ California Integrated Waste Management Board  
Sue O'Leary
- ☐ State Water Resources Control Board  
Regional Programs Unit  
Division of Financial Assistance
- ☐ State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality
- ☐ State Water Resources Control Board  
Steven Herrera  
Division of Water Rights
- ☐ Dept. of Toxic Substances Control  
CEQA Tracking Center
- ☐ Department of Pesticide Regulation

- Regional Water Quality Control Board (RWQCB)
- ☐ RWQCB 1  
Cathleen Hudson  
North Coast Region (1)
- ☐ RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)
- ☐ RWQCB 3  
Central Coast Region (3)
- ☐ RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)
- ☐ RWQCB 5S  
Central Valley Region (5)
- ☐ RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office
- ☐ RWQCB 5R  
Central Valley Region (5)  
Redding Branch Office
- ☐ RWQCB 6  
Lahontan Region (6)
- ☒ RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office
- ☐ RWQCB 7  
Colorado River Basin Region (7)
- ☐ RWQCB 8  
Santa Ana Region (8)
- ☐ RWQCB 9  
San Diego Region (9)
- ☐ Other \_\_\_\_\_

## NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364

SACRAMENTO, CA 95814

(916) 653-6251

Fax (916) 657-5390

www.nahc.ca.gov

ds\_nahc@pacbell.net

RECEIVED  
AUG 31 2007LAND USE SERVICES DEPT.  
August 28, 2007 ADVANCE PLANNING DIVISION

Mr. Matthew Slowik

**San Bernardino County Land Use Services Department**385 N. Arrowhead, 1<sup>st</sup> Floor

San Bernardino, CA 92415-0182

Re: SCH# 2005071104: CEQA Notice of Preparation (NOP) draft Environmental Impact Report (DEIR) for Lewis Operating Corp., LHC Alligator, LLC (Deep Creek) Project, San Bernardino County, California

Dear Mr. Slowik:

Thank you for the opportunity to comment on the above-referenced document. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE),' and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the 'Information Center' nearest you is available from the State Office of Historic Preservation in Sacramento (916/653-7278). The record search will determine:
  - If a part of the entire (APE) has been previously surveyed for cultural resources.
  - If any known cultural resources have already been recorded in or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- ✓ Contact the Native American Heritage Commission (NAHC) for:
  - \* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity who may have information on cultural resources in or near the APE. Please provide us site identification as follows: USGS 7.5-minute quadrangle citation with name, township, range and section. This will assist us with the SLF.
  - Also, we recommend that you contact the Native American contacts on the attached list to get their input on the effect of potential project (e.g. APE) impact.
- ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
  - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
  - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

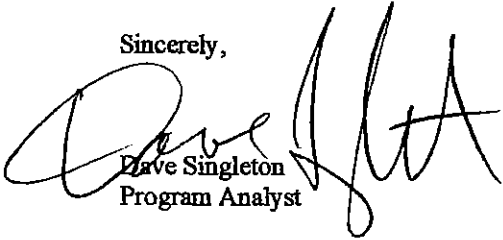
√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigations plans.

- CEQA Guidelines §15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the Initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American groups, identified by the NAHE, to ensure the appropriate and dignified treatment of Native American human remains and any associated grave goods.
- Health and Safety Code §7050.5, Public Resources Code §5097.98 and CEQA Guidelines §15064.5(d) mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.

√ Lead agencies should consider avoidance, as defined in CEQA Guidelines §15370 when significant cultural resources are discovered during the course of project planning or execution.

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dave Singleton', is written over the typed name and title.

Dave Singleton  
Program Analyst

Attachment: Native American Contact List

**Native American Contacts**  
**San Bernardino County**  
**August 28, 2007**

**Cahuilla Band of Indians**  
**Anthony Madrigal, Jr., Interim-Chairperson**  
**P.O. Box 391760**                      **Cahuilla**  
**Anza** , CA 92539  
**tribalcouncil@cahuilla.net**  
**(951) 763-2631**

**(951) 763-2632 Fax**

**Ramona Band of Mission Indians**  
**Joseph Hamilton, vice chairman**  
**P.O. Box 391670**                      **Cahuilla**  
**Anza** , CA 92539  
**admin@ramonatribe.com**  
**(951) 763-4105**  
**(951) 763-4325 Fax**

**San Manuel Band of Mission Indians**  
**Henry Duro, Chairperson**  
**26569 Community Center Drive**                      **Serrano**  
**Highland** , CA 92346  
**(909) 864-8933**  
**(909) 864-3724 - FAX**  
**(909) 864-3370 Fax**

**Chemehuevi Reservation**  
**Charles Wood, Chairperson**  
**P.O. Box 1976**                      **Chemehuevi**  
**Chemehuevi Valley** , CA 92363  
**chemehuevit@yahoo.com**  
**(760) 858-4301**  
**(760) 858-5400 Fax**

**Fort Mojave Indian Tribe**  
**Tim Williams, Chairperson**  
**500 Merriman Ave**                      **Mojave**  
**Needles** , CA 92363  
**(760) 629-4591**  
**(760) 629-5767 Fax**

**Colorado River Reservation**  
**Michael Tsosie, Cultural Contact**  
**Route 1, Box 23-B**                      **Mojave**  
**Parker** , AZ 85344                      **Chemehuevi**  
**symi@rraz.net**  
**(928) 669-9211**  
**(928) 669-5675 Fax**

**AhaMaKav Cultural Society, Fort Mojave Indian Tribe**  
**Linda Otero, Director**  
**P.O. Box 5990**                      **Mojave**  
**Mohave Valley** , AZ 86440  
**ahamakav@citlink.net**  
**(928) 768-4475**  
**(928) 768-7996 Fax**

**Morongo Band of Mission Indians**  
**Britt W. Wilson, Cultural Resources-Project Manager**  
**49750 Seminole Drive**                      **Cahuilla**  
**Cabazon** , CA 92230                      **Serrano**  
**britt\_wilson@morongo.org**  
**(951) 755-5206**  
**(951) 755-5200/323-0822-cell**  
**(951) 922-8146 Fax**

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2005071104; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for Lewis Operating Corp. LHC Alligator, LLC (Deep Creek) Project; San Bernardino County, California.**

**Native American Contacts  
San Bernardino County  
August 28, 2007**

**San Manuel Band of Mission Indians  
Ann Brierty, Environmental Department  
101 Pure Water Lane  
Highland, CA 92346  
Serrano  
abrierty@sanmanuel-nsn.gov  
(909) 863-5899 EXT-4321**

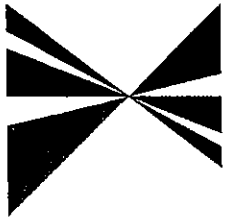
**(909) 862-5152 Fax**

**Serrano Nation of Indians  
Goldie Walker  
6588 Valeria Drive  
Highland, CA 92346  
Serrano  
(909) 862-9883**

**This list is current only as of the date of this document.**

**Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.**

**This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2005071104; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for Lewis Operating Corp. LHC Alligator, LLC (Deep Creek) Project; San Bernardino County, California.**



**ASSOCIATION of  
GOVERNMENTS**

**Main Office**

818 West Seventh Street  
12th Floor  
Los Angeles, California  
90017-3435

August 24, 2007

Mr. Matthew Slowik  
County of San Bernardino  
Land Use Services Department, Advance  
Planning Division  
285 N. Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0182

**RE: SCAG Clearinghouse No. I 20070480 Deep Creek EIR**

t (213) 236-1800

f (213) 236-1825

www.scag.ca.gov

**Officers:** President: Gary Ovitt, San Bernardino County • First Vice President: Richard Dixon, Lake Forest • Second Vice President: Harry Baldwin, San Gabriel • Immediate Past President: Yvonne B. Burke, Los Angeles County

**Imperial County:** Victor Carrillo, Imperial County • Jon Edney, El Centro

**Los Angeles County:** Yvonne B. Burke, Los Angeles County • Zev Yaroslavsky, Los Angeles County • Richard Alarcon, Los Angeles • Jim Aldinger, Manhattan Beach • Harry Baldwin, San Gabriel • Tony Cardenas, Los Angeles • Stan Carroll, La Habra Heights • Margaret Clark, Rosemead • Gene Daniels, Paramount • Judy Dunlap, Inglewood • Rae Gabelich, Long Beach • David Gaffin, Downey • Eric Garretti, Los Angeles • Wendy Greuel, Los Angeles • Frank Gurulé, Cudahy • Janice Hahn, Los Angeles • Isadore Hall, Compton • Keith W. Hanks, Azusa • José Huizar, Los Angeles • Jim Jeffra, Lancaster • Tom LaBonge, Los Angeles • Paula Lantz, Pomona • Barbara Messina, Alhambra • Larry Nelson, Artesia • Paul Nowatka, Torrance • Pam O'Connor, Santa Monica • Bernard Parks, Los Angeles • Jan Perry, Los Angeles • Ed Reyes, Los Angeles • Bill Rosendahl, Los Angeles • Greig Smith, Los Angeles • Tom Sykes, Walnut • Mike Ten, South Pasadena • Tonia Reyes Uranga, Long Beach • Antonio Villaralga, Los Angeles • Dennis Washburn, Calabasas • Jack Weiss, Los Angeles • Herb J. Wesson, Jr., Los Angeles • Dennis Zine, Los Angeles

**Orange County:** Chris Nurbay, Orange County • Christine Barnes, La Palma • John Beaman, Brea • Lou Bone, Tustin • Debbie Cook, Huntington Beach • Leslie Dalgic, Newport Beach • Richard Dixon, Lake Forest • Troy Edgar, Los Alamitos • Paul Glaab, Laguna Niguel • Robert Hernandez, Anaheim • Sharon Quirk, Fullerton

**Riverside County:** Jeff Stone, Riverside County • Thomas Buckley, Lake Elsinore • Bonnie Flickinger, Moreno Valley • Ron Lovelidge, Riverside • Greg Pettis, Cathedral City • Ron Roberts, Temecula

**San Bernardino County:** Gary Ovitt, San Bernardino County • Lawrence Dale, Barstow • Paul Eaton, Montclair • Lee Ann Garcia, Grand Terrace • Tim Jasper, Town of Apple Valley • Larry McCallon, Highland • Deborah Robertson, Rialto • Alan Wapner, Ontario

**Tribal Government Representative:** Andrew Masiel Sr., Pechanga Band of Luiseno Indians

**Ventura County:** Linda Parks, Ventura County • Glen Becerra, Simi Valley • Carl Morehouse, San Buenaventura • Toni Young, Port Hueneme

**Orange County Transportation Authority:** Ari Brown, Buena Park

**Riverside County Transportation Commission:** Robin Lowe, Hemet

**Ventura County Transportation Commission:** Keith Millhouse, Moorpark

Dear Mr. Slowik:

Thank you for submitting the **Deep Creek EIR** for review and comment. As areawide clearinghouse for regionally significant projects, SCAG reviews the consistency of local plans, projects and programs with regional plans. This activity is based on SCAG's responsibilities as a regional planning organization pursuant to state and federal laws and regulations. Guidance provided by these reviews is intended to assist local agencies and project sponsors to take actions that contribute to the attainment of regional goals and policies.

We have reviewed the **Deep Creek EIR**, and have determined that the proposed Project is not regionally significant per SCAG Intergovernmental Review (IGR) Criteria and California Environmental Quality Act (CEQA) Guidelines (Section 15206). Therefore, the proposed Project does not warrant comments at this time. Should there be a change in the scope of the proposed Project, we would appreciate the opportunity to review and comment at that time.

A description of the proposed Project was published in SCAG's **August 1-15, 2007** Intergovernmental Review Clearinghouse Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this Project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact me at (213) 236-1856. Thank you.

Sincerely,

**SHERYLL DEL ROSARIO**  
Associate Planner  
Intergovernmental Review

**Doc #139268**



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>  
Eastern Sierra - Inland Deserts Region (ESIDR)  
407 West Line Street  
Bishop, CA 93514  
(760) 872-1171

RECEIVED  
AUG 28 2007

LAND USE SERVICES DEPT.  
ADVANCE PLANNING DIVISION

August 23, 2007

Mr. Matthew Slowick  
Senior Associate Planner  
385 North Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, CA 92145-0182

Subject: Notice of Preparation for the Lewis Operating Corp. LHC Alligator, Deep Creek (Apple Valley) Project Draft Environmental Impact Report (DEIR) (SCH# 2005071104)

Dear Mr. Slowick:

The Department of Fish and Game (Department) has reviewed the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the proposed Lewis Operating Corp. LHC Alligator, Deep Creek (Apple Valley) Project. The proposed project is for a general plan amendment to change the land use district from agricultural to single residential and create a tentative tract map (TT 16569) for 202 single family residential lots and 6 letter lots on approximately 249 acres. The proposed site is located east of Deep Creek Road and north of Round Up Way, between Deep Creek Road and the Burlington Northern and Santa Fe Railway Tracks in the unincorporated portion of the Town of Apple Valley.

Due to a judgment on this project the County is elevating the IS/ND previously completed to an EIR to address the potential traffic impacts to the area. Since, traffic may have additional impacts directly and indirectly on the environment in the area the Department believes that if the following items, if appropriate, should be addressed in the EIR as they concern to this project and traffic impacts.

The Department is providing comments on this NOP as the State agency which has the statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish and Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). The Department's Fish and wildlife management functions are implemented through its administration and enforcement of Fish and Game Code (Fish and Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

In order for Department staff too adequately review and comment on the proposed project the following information should be included in the DEIR:

1. A complete assessment of the flora and fauna within and adjacent to the project area, with particular emphasis upon identifying endangered, threatened and sensitive species and sensitive habitats.
  - a. If appropriate habitat for any listed species occurs on the site, including surface waters potentially containing any fish species, have qualified biologist conduct focused surveys according USFWS and /or Department protocols (guidelines).
  - b. Have a qualified botanist conduct a focused rare plant survey during the appropriate time of year following UFWS and/or Department protocols.
  - c. Have a qualified biologist conduct focused surveys for burrowing owl following the 1993 Burrowing Owl Consortium protocol guidelines. Survey guidelines can be obtained for the Department. The mitigation measures presented in the guidelines should be included in the DEIR and/or DEIS.
  - d. If any listed species will potentially be impacted by the proposed project, consultation with the Department and the USFWS will be required to establish appropriate avoidance, minimization and mitigation measures. An Incidental Take Permit may be required by the Department pursuant to Fish and Game Code Section 2080 *et. seq.*
  - e. The Department requests that impacts to State and Federally-listed species and potential avoidance, alternative and mitigation measures be addressed in the CEQA document and not solely in subsequent negotiations between the applicant and the agencies.
2. A through discussion of direct, indirect and cumulative impacts expected to adversely affect biological resources, with specific measures to offset such impacts.
  - a. CEQA Guidelines, 15125(a), state that knowledge of the regional setting is critical to an assessment of environmental impacts and that special emphasis should be placed on resources that are rare or unique to the region.
  - b. Project impacts should be analyzed relative to their effects on off-site habitats. Specifically, this should include nearby public lands, open space, adjacent natural habitats and riparian ecosystems. Impacts to and maintenance of wildlife corridor/movement areas, including access to undisturbed habitat in adjacent areas, should be fully evaluated and provided. This includes impacts to wildlife from increased raven populations.
    - 1) The zoning of areas for development projects or other uses that are nearby or adjacent to natural areas may inadvertently



contribute to wildlife-human interactions. A discussion of possible conflicts and mitigation measures to reduce these conflicts should be included in the environmental document.

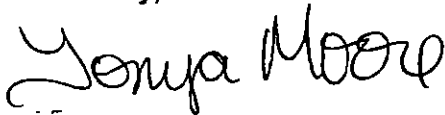
- 2) A cumulative effects analysis should be developed as described under CEQA Guidelines, 15130. General and specific plans, as well as past, present, and anticipated future projects, should be analyzed relative to their impacts on similar plant communities and wildlife habitats.
3. A range of alternatives should be analyzed to ensure that alternatives to the proposed project are fully considered and evaluated. A range of alternatives, which avoid or otherwise minimize impacts to sensitive biological resources should be included. Specific alternative locations should also be evaluated in areas with lower resource sensitivity, where appropriate.
  - a. Mitigation measures for project impacts to sensitive plants, animals and habitats should emphasize evaluation and selection of alternatives which avoid or otherwise minimize project impacts. Off-site compensation for unavoidable impacts through acquisition and protection of high-quality habitat elsewhere should be addressed.
  - b. The Department considers Rare Natural Communities as threatened habitats having regional and local significance. Thus, these communities should be fully avoided and otherwise protected from project-related impacts.
  - c. A California Endangered Species Act (CESA) Permit must be obtained, if the project has the potential to result in "take" of species of plants or animals listed under CESA, either during construction or over the life of the project. CESA Permits are issued to conserve, protect, enhance and restore State-listed threatened or endangered species and their habitats. Early consultation is encouraged, as substantial modification to the proposed project and mitigation measures may be required in order to obtain a CESA Permit. Revisions to the Fish and Game Code, effective January 1998, requires that the Department issue a separate CEQA document for the issuance of a CESA permit unless the project CEQA document addresses all project impacts to listed species and specifies a mitigation monitoring and reporting program that will meet the requirements of a CESA permit. For these reasons, the following information is requested:
    - 1) Biological mitigation monitoring and reporting proposals and a raven control plan should be of sufficient detail and resolution to satisfy the requirements of a CESA Permit. The Department recommends early consultation with the Department to discuss appropriate measures to avoid, minimize, and/or compensate for impacts.
    - 2) A Department-approved Mitigation Agreement and Mitigation Plan

are required for plants listed as rare under the Native Plant Protection Act.

4. Under Section 1600 *et. seq* of the Fish and Game Code, the Department requires the project applicant to notify the Department of any activity that will divert, obstruct or change the natural flow of the bed, channel or bank (which includes associated riparian habitat) or a river, stream or lake, or use material from a streambed prior to the applicant's commencement of the activity. Streams include, but are not limited to, intermittent and ephemeral streams, rivers, creeks, dry washes, sloughs, blue-line streams and watercourses with subsurface flow. The Department, as a responsible agency under CEQA, may consider the local jurisdiction's (Lead Agency) Negative Declaration of EIR for the project. However, if the EIR does not fully identify potential impacts to lakes, streams and associated resources (including, but not limited to, riparian and alluvial fan sage scrub habitat) and provide adequate avoidance, mitigation, monitoring and reporting commitments, additional CEQA documentation will be required prior to execution (signing) of the Streambed Alteration Agreement. In order to avoid delays or repetition of the CEQA process, potential impacts to a lake or stream, as well as avoidance and mitigation measures need to be discussed within this CEQA document. The Department recommends the following measures to avoid subsequent CEQA documentation and project delays:
  - a. Incorporate all information regarding impacts to lakes, streams and associated habitat within the DEIR. Information that needs to be included within the document includes: (a) a delineation of lakes, streams and associated habitat that will be directly or indirectly impacted by the proposed project; (b) details on the biological resources (flora and fauna) associated with the lakes and/or streams; (c) identification of the presence or absence of sensitive plants, animals or natural communities; (d) a discussion of environmental alternatives; (e) a discussion of avoidance measures to reduce project impacts; and (f) a discussion of potential mitigation measures required to reduce the project impacts to a level of insignificance. The applicant and lead agency should keep in mind that the State also has a policy of no net loss of wetlands.
5. The Department recommends that the project applicant and/or lead agency consult with the Department to discuss potential project impacts, avoidance and mitigation measures. Early consultation with the Department is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources.

In conclusion, the requested biological survey information should be submitted to Ms. Tonya Moore, 12550 Jacaranda Avenue, Victorville, CA 92395, for review in order to adequately determine the potential impacts of the project. Questions regarding this letter and further coordination on these issues should be directed to me at (760) 955-8139.

Sincerely,

A handwritten signature in black ink that reads "Tonya Moore". The signature is written in a cursive, flowing style.

Tonya Moore  
Environmental Scientist

cc: Ms. Denyse Racine, DFG





**DEPARTMENT OF THE ARMY**  
**LOS ANGELES DISTRICT, CORPS OF ENGINEERS**  
P.O. BOX 532711  
LOS ANGELES, CALIFORNIA 90053-2325

REPLY TO  
ATTENTION OF:

August 15, 2007

**RECEIVED**  
AUG 22 2007

LAND USE SERVICES DEPT.  
ADVANCE PLANNING DIVISION

Office of the Chief  
Regulatory Division

San Bernardino County Land Use Services Department  
Attention: Matthew Slowik  
385 North Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, California 92415-0182

Dear Mr. Slowik:

It has come to our attention that the Lewis Operating Corporation plans to discharge fill material into waters of the United States in association with your proposal to develop the Deep Creek Residential project over 249-acres of Tentative Tract Map No.16569, near the City of Apple Valley, San Bernardino County, California. This activity may require a U.S. Army Corps of Engineers permit.

A Corps of Engineers permit is required for the discharge of dredged or fill material into, including any redeposit of dredged material within, "waters of the United States" and adjacent wetlands pursuant to Section 404 of the Clean Water Act of 1972. Examples include, but are not limited to,

1. creating fills for residential or commercial development, placing bank protection, temporary or permanent stockpiling of excavated material, building road crossings, backfilling for utility line crossings and constructing outfall structures, dams, levees, groins, weirs, or other structures;
2. mechanized landclearing, grading which involves filling low areas or land leveling, ditching, channelizing and other excavation activities that would have the effect of destroying or degrading waters of the United States;
3. allowing runoff or overflow from a contained land or water disposal area to re-enter a water of the United States;
4. placing pilings when such placement has or would have the effect of a discharge of fill material.

Enclosed you will find a permit application form and a pamphlet that describes our regulatory program. If you have any questions, please contact me at (213) 452-3412. Please refer to this letter and SPL-2007-01011-SLP in your reply.

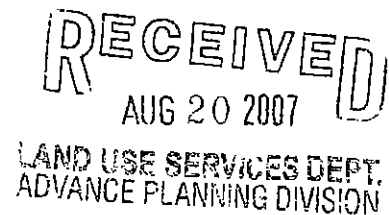
Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Pankratz", with a long horizontal flourish extending to the right.

Shannon Pankratz  
Project Manager  
South Coast Branch  
Regulatory Division

Enclosures

ATTN: Matthew Slowik, Senior Associate Planner  
385 North Arrowhead Avenue, 1<sup>st</sup> Floor  
San Bernardino, Ca 92415-0182  
909-387-4372



FROM: David J. and Cora A. Longman  
19949 Tussing Ranch Rd.  
Apple Valley CA 92308  
760-247-0421

DATE: Aug 15, 2007

SUBJ: **Lewis Operating Corporation, Deep Creek Project (Apple Valley)**  
Notice of Preparation (July 27, 2007)  
Deep Creek EIR

### **Summary of Proposed Project**

The Project is a request for a General Plan Amendment to change the official land use district from AG-SCp (Agricultural with a primary sign control overlay) to RS-20m (Single Family Residential with a 20,000-square foot minimum parcel size) and Tentative Tract 16569 for 202 single-family residential lots and 6 lettered lots to be developed in four phases on approximately 249 acres in an unincorporated area of San Bernardino County. Wastewater services will be provided by individual septic systems on each residential lot. The size of lots will average approximately 43,051 square feet, with the median lot size being approximately 43,948 square feet. Of the proposed 202 lots, 68 lots located on the upper terrace of the Project site will measure less than one acre in size (0.74 acre minimum).

The Project includes a proposal to construct a drainage corridor trending in a north-south direction through the western half of the site in order to alleviate drainage impacts. Additionally, the Project includes the construction of approximately 25,300 linear feet of new streets, and the construction of a perimeter wall surrounding the Project.

### **Comments on Potential Environmental Effects of the Project**

The EIR must take into consideration the substantial changes in cumulative Traffic and Circulation especially as reflected by current conditions that have come to exist since the Courts' decision, due to the Jess Ranch/Pulte Homes developments that have now opened several roads to through traffic from Apple Valley Road to Deep Creek Rd. through Lupin Rd., Oriole Rd., Del Oro Rd., Grande Vista St., Tussing Ranch Rd., Verbana Ln., Poppy St., and Breezy Ln..

The EIR must take into consideration the increased traffic and the impact upon accumulative greenhouse gas emissions and how this General Plan Amendment will effect or not effect the overall General Plans' addressing of this specific issue.

The EIR must take into consideration current accumulative traffic conditions and the additional traffic added by this project as they affect the safety issue at Deep Creek and Tussing Ranch Rd. There is a major hazard at this location involving a sight distance issue. See photos 1 and 2 of a typical vehicle accident caused by this problem. These were taken on August 8, 2007. There is insufficient visibility by southbound traffic to vehicles entering southbound onto Deep Creek Rd. from Tussing Ranch Rd. or southbound vehicles making a left turn onto Tussing Ranch from Deep Creek Rd.

This EIR must take into consideration the additional public traffic that is encroaching upon private property to gain a shortcut to Apple Valley Rd. from Deep Creek Rd. or vise versa.

The EIR must consider the impact of increased traffic upon the added school buses that now exist due to the Pulte and other developments that have added large numbers of students and traffic to Deep Creek Rd.

The EIR must take into consideration the effect of additional students upon the already overcrowded Apple Valley Unified School District.

The EIR must take into consideration the impact upon Crime in this area and provide for additional law enforcement. The closest Sheriff's Deputies now respond from Lucerne Valley.

The EIR must take into consideration the increased noise caused by the additional traffic,

The EIR must take into consideration the accumulative traffic and the width of Deep Creek road and the lack of shoulder and limited areas where vehicles may pass slower traffic.

The EIR must consider that no added traffic traveling Northbound on Deep Creek Rd. should be considered until road width is increased and a traffic signal is in place at Bear Valley Rd. and Deep Creek Rd.

The EIR must consider the effect of increased water usage and its' effect upon the water table and upon privately owned wells in the surrounding area.

Sincerely,



David J. Longman

Cora A. Longman



Photo 1



Photo 2



John E. Douglass  
Attorney at Law  
19951 Ocotillo Way  
Apple Valley, CA 92308-8366  
Tel: 760.240.5660  
Fax: 928.752.7474

RECEIVED  
AUG 08 2007  
LAND USE SERVICES DEPT.  
ADVANCE PLANNING DIVISION

9/21/06

To: Matthew Slowik, Senior Associate Planner  
385 N. Arrowhead Ave., 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0182

Re: Notice of Preparation of EIR for Lewis Operating Corp, et  
al., re 249 Acres of Land - see cover page attached

Dear Sir:

At page 2 of the Notice you provide your name and address as the contact information for questions regarding this proposed project.

I understand that the EIR that you are going to prepare is primarily concerned with traffic and I agree that the traffic increase in the area is a very important concern. However, my primary and most important concern is water quality.

I live about 100 yards West of the approximate center of the proposed housing project. My water comes from a well that hits water 80 feet. I also have a septic system. I have checked the water in my well and it is pure and uncontaminated. This well is about 100 yards downstream from the 249 acre project.

I have been told by neighbors that there are areas in the subject 249 acres where the water is as close to the surface as only 20 feet. I do not know where this information comes from so I take it with a grain of salt. However, I recall that the U.S. Geological Survey people came around this area twice about 10 years ago asking for permission to examine and test the wells of the local residences. So I know there is a lot of information somewhere about the water levels, quality and content - perhaps even information about the well or wells on the 249 acres. Also, from the front of my property I can look East up Ocotillo Way, which runs East West approximately through the center of this subject 249 acres. About 200 yards up Ocotillo Way from Deep Creek Road, right next to Ocotillo Way, there is a single, healthy tree that has not been watered by man for at least 14 years - as long as I have lived here. The tree is in the

approximate center of the 249 acres, it is about 25 feet high and bushy. I can not imagine that the roots of this tree go down 80 feet. So, all things considered, I am concerned for the very real possibility that my water may be harmed by this project.

Please let me know any and all information you have (or a summary and source information) as regards the water issue relating to the 249 acre project.

Your attention to this matter will be most appreciated.

Yours very truly,



John E. Douglass, Esq.

# LAND USE SERVICES DEPARTMENT

## ADVANCE PLANNING DIVISION

385 North Arrowhead Avenue • San Bernardino, CA 92415-0182 (909) 387-4147  
http://www.sbcounty.gov/landuseservices Fax (909) 387-3223



COUNTY OF SAN BERNARDINO  
PUBLIC AND SUPPORT  
SERVICES GROUP

JULIE RYNERSON ROCK  
Director

July 26, 2007

To: Interested Individuals and Organizations

RE: NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT FOR THE LEWIS OPERATING CORP., LHC ALLIGATOR, LLC., DEEP CREEK (APPLE VALLEY) PROJECT. THE APPLICATION IS FOR A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DISTRICT FROM AG-SCP (AGRICULTURAL WITH A PRIMARY SIGN CONTROL OVERLAY) TO RS-20M (SINGLE RESIDENTIAL- 20,000 SQUARE FOOT MINIMUM LOT SIZE) AND A TENTATIVE TRACT MAP (TTM #16569) FOR 202 SINGLE-FAMILY RESIDENTIAL LOTS AND 6 LETTERED LOTS, ON APPROXIMATELY 249 ACRES, IN THE UNINCORPORATED APPLE VALLEY AREA. (SCH #2005071104)

The San Bernardino County Land Use Services Department will be coordinating the preparation of an Environmental Impact Report (EIR) for the Lewis Operating Corp., LHC Alligator, LLC., Deep Creek (Apple Valley) Project which includes an application for a General Plan Amendment to change the land use district from AG-SCP (Agricultural with a primary Sign Control Overlay) to RS-20m (Single Residential- 20,000 square foot minimum lot size) and a Tentative Tract Map (TTM #16569) to create 202 single-family residential lots and 6 lettered lots to be developed in phases on approximately 249 acres, in the unincorporated Apple Valley area (the "Project").

On June 9, 2003 Lewis Operating Corp. ("Applicant") submitted the above-stated application to the County of San Bernardino ("County"). An Initial Study/Mitigated Negative Declaration (the "MND") was prepared by County staff for the Project for the purpose of complying with the California Environmental Quality Act (CEQA). The MND included various technical studies and other available information. As required by CEQA, the Draft MND was circulated for public review for thirty days (from July 21, 2005, through August 19, 2005). Comments were received from members of the public, including comments regarding land use compatibility, traffic impacts, and impacts to agricultural resources. On October 6, 2005, the County Planning Commission recommended that the County Board of Supervisors adopt the MND and approve the Application. On November 22, 2005, the Board of Supervisors, by unanimous decision, voted to adopt the MND and approve the Project. All Project information is available for review at the County Land Use Services Department, Advance Planning Division, 385 N. Arrowhead Ave. (1<sup>st</sup> Floor), San Bernardino, CA 92415-0182.

On December 21, 2005, Deep Creek Agricultural Association ("Association"), an unincorporated association of individuals with concerns related to the Project, filed a Petition for Writ of Mandate ("Petition") in San Bernardino County Superior Court seeking to set aside the approval of the Project, alleging a series of substantive and procedural failures to comply with CEQA (San Bernardino County Superior Court Case No. SCVSS 133201) (the "Action"). Among the claims asserted by the Association in the Action were allegations that the County had failed to identify or properly mitigate environmental effects of the Project, including those related to land use, air quality, traffic, loss of agricultural land, water quality, sewage, biological resources, and noise.

MARK H. UFFER  
County Administrative Officer

NORMAN A. KANOLD  
Assistant County Administrator  
Public and Support  
Services Group

BRAD GUZZO-FERR  
JULIE BLANK

#### Board of Supervisors

First District  
Second District  
Third District

DENNIS HANDBERGER  
TERRY C. OVITT  
PUB. & SUP.

First District  
Second District

August 15, 2007

Sheila Burnham  
11629 Locust Ln  
Apple Valley, CA 92308

RECEIVED  
AUG 31 2007

LAND USE SERVICES DEPT.  
ADVANCE PLANNING DIVISION

Re: Case #: SCVSS 133201

To The County of San Bernardino Land Use Services Department, County Board of Supervisors, Superior Court:

As we enter the next phase pertaining to the Lewis Op. Co.'s *proposal* to eradicate the low density agricultural zoning of 249 acres in the unincorporated rural Apple Valley Deep Creek area, I am compelled to repeat the very same cares and concerns brought forth in former correspondence about this matter that was delivered a few years ago to the County by me and my daughter Carly.

Our earlier letter indicated the necessity of an appropriate **EIR (Environmental Impact Report)** to address the following:

- 1) Pollutants and Other Toxics:
  - a) Perchlorate and Perchlorate Salts [common in arid soils]
  - b) Automobile Exhaust Emissions
  - c) Increasing SMOG levels
  - d) Paving materials that cause more HEAT
- 2) Environmental Plights:
  - a) Air traffic {jet} emissions
  - b) Aquifer levels are dropping
  - c) Climate Changes
  - d) Gray Water
  - e) Harmful air pollutants
  - f) Hazardous Wastes
  - g) Human Waste
  - h) Improper soil absorption field studies
  - i) Inadequate Water supply
  - j) Increase need for Emergency Response Teams and Hospital[s] beds
  - k) Increase need for Law Enforcement
  - l) Lack of Open Space
  - m) Lack of suitable effluent guidelines and public works
  - n) Limited Toxicological Studies
  - o) Litter
  - p) Local ecosystem imbalances
  - q) Natural Disasters and events
  - r) NOISE !!!
  - s) Particle Pollution (Dirt Roads, Vehicle emissions)

- t) Pesticides
  - u) Recycling Issues
  - v) Sewage contaminates
  - w) Sewage, Wastewater and Household Wells
  - x) Traffic congestion & gridlock, due to increasing accidents, injuries, and fatalities
  - y) Unhealthy Air Quality
  - z) Wildlife and local Habitat preservation
- 3) Safety Issues:
- a) Fatalities and injuries due to natural disasters, events and traffic accidents
  - b) Inadequate number of Emergency Response Teams and hospital beds
  - c) Inadequate traffic signals
  - d) Over-population
  - e) Unsafe Roads
  - f) Weather extremes:
    - i) Downed Power Lines
    - ii) Drought
    - iii) HEAT extremes and heat strokes
    - iv) Ice
    - v) Power Outages
    - vi) Snow
    - vii) Wildfires
    - viii) Wind Storms
- 4) Emergency Response Plans & Programs:
- a) Evacuations
  - b) Extreme HEAT or COLD
  - c) Fires
  - d) Flooding and Flashfloods
  - e) Other Natural Disasters or events:
    - i) Winter Storms
    - ii) Snow
    - iii) Ice
    - iv) Down Power lines
  - f) Power Outages

This morning I witnessed yet another automobile accident from my backyard... that occurred at the intersection of Bear Valley Road and Deep Creek Road's intersection. Two vehicles collided— ambulance, police and fire trucks on scene. That makes me sad, another only too common occurrence due to conditions on Deep Creek Road.

Why promote more growth when the infrastructure does not sufficiently support what is present already?

Please, please promote low impact development and best land management practices to protect and preserve our stewardship of this last agricultural area in San Bernardino and southern California. Please, stand up and provide the guidance necessary as sustainability

truly is “A Better Way of Life” for the Deep Creek Corridor’s constituents—the Deep Creek Corridor’s agricultural zoning in the rural part of The Town of Apple Valley.

Faulty rulings based on erroneous assumptions, including traffic, must be thoroughly re-examined to submit such declarations and determinations to the public as best as is humanly possible. Certainly, a meticulous examination of our neighborhood is warranted in order to address the substantive scope of concerns and issues, not only traffic. Please, please...

Scrupulously re-examine and fully disclose present, foreseen and unforeseeable conditions, as such factors demand and truly deserve rigorous inquiries and thorough analyses.

Our community, our area, our neighborhood ultimately demands and deserves a thorough and comprehensive EIR, as we unhesitatingly stand firm against the proposed desecration of our rural lifestyle.

Thank you for your time and professional consideration.

Yours truly,

A handwritten signature in cursive script that reads "Sheila Burnham".

Sheila Burnham  
Deep Creek Corridor Resident  
Apple Valley, CA

## **Deep Creek Agricultural Association**

20326 Siesta Lane  
Apple Valley, CA 92308-8309

September 4, 2007

Matthew Slowick  
Senior Associate Planner  
385 North Arrowhead Ave., 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0182

RECEIVED  
SEP 11 2007  
COUNTY OF SAN BERNARDINO

RE: Notice of Preparation of EIR for Lewis Operating Corp; APN #0438-012-59  
General Plan Amendment and Tentative Tract 16569

Dear Mr. Slowick,

Thank you for sending me my Notice of Preparation of EIR for the Lewis project. I received it on August 24. Therefore, please allocate additional time to our members that just received their notices. I was not surprised that I, as well as others, were not on your original mailing list, even though I am the President of the Deep Creek Agricultural Association and for years have been the focal person. John Schatz in the Victorville office constantly tries to under mind our groups effort to have reasonable growth in our area. This is very typical, as how we are treated. Please incorporate what is left in the file in Victorville. There should be hundreds of letters with ample comments for the EIR.

A few points I would like to bring to your attention.

### **1990 County denial letter on the project.**

The August 20, 1990 denial letter from the county, clearly states that the environmental consequences of this amendment are potentially numerous and significant. The issues include archeological, biological and cultural resources, public services ( fire and police protection, schools ), water quantity and quality, open space, air quality, transportation/circulation, aesthetics, demographics, soils, agriculture, noise, and hazards. See exhibit #1

### **Similar project, North Apple Valley, file: 12467GP1/DN233-157N/2004/GPA01**

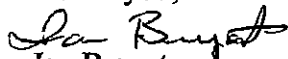
A similar project in North Apple Valley, the draft CEQA report finds 20 potentially significant impacts and requires appropriate mitigation measures to be proposed in the required Environmental Impact Report. However, on the Lewis tract 16569 traffic is the only impact to require a EIR. This make no sense at all.

Traffic existing east from this project on Ocotillo Way will be driving on Mockingbird Road, a dirt road and then onto Tussing Ranch Road, a dirt road. All schools for this project are east of the project. Of the hundreds of school kids that will live in this tract, many will be driven down Mockingbird Road by family members. Two trips a day per student. The additional traffic is unprecedented for those roads, wash board will be the norm. The impact on air quality will be far greater then the Mockingbird and Tussing Ranch Road residents have ever seen at their front doors before. How an air quality EIR is not required is beyond belief.

I am asking you as a Senior Associate Planner, in the Advanced Planning Division with EIR experience, to put forward a recommendation that the intent of CEQA not be under mind by only doing a traffic only report for this project. The residents in the area deserve a fair and complete EIR. Can you honestly say the area residents do not have a valid concern with regards to the dust that will be generated from the increased traffic? We ask for nothing more then an honest assessment.

I can be reached at 760-963-3435 anytime if needed.

Thank you,



Ian Bryant

President, Deep Creek Agricultural Association



DATES ID : 745DSN90006582GPA01/06582GPI-  
COMMUNITY : APPLE VAL Y  
FILE/INDX : GPA/89-03 /DN201-99N

EXHIBIT #1

PAGE 1 OF 3

APPLICANT : LEWIS HOMES OF CALIFORNIA  
PROPOSAL : TO INITIATE A MAJOR GENERAL PLAN  
LAND USE DISTRICT AMENDMENT FROM AG-SCP &  
RL (GENERAL AGRICULTURE-SIGN CONTROL AND  
RURAL LIVING) TO RS-1 (SINGLE RESIDENTIAL-  
1 AC MIN PARCEL SIZE) ON APPROX 273AC.  
LOCATION : DEEP CREEK RD & ROUNDUP WAY  
NORTH CORNER.  
REP('S) : LEWIS HOMES OF CALIFORNIA  
(BARBARA BOGLE)

#### PROJECT DESCRIPTION:

The applicant proposes to convert approximately 263 acres (APNs 438-012-59 and 438-163-01,02,24) of AG-SCp (Agriculture, sign control overlay) and 10 acres (APNs 438-163-20,31) of RL-SCp (Rural Living, sign control overlay) to RS-1 (Single Residential, one acre minimum parcel size) on Deep Creek Road, east side, extending between Hercules Street and Atchison Topeka and Santa Fe Railroad, in the community of Apple Valley. An Improvement Level change from IL-4 to IL-3 would also be required for development at the proposed intensity.

#### EXISTING GENERAL PLAN DESIGNATIONS:

The existing General Plan Land Use Districts are AG-SCp (Agriculture, sign control overlay) on approximately 263 acres and RL-SCp (Rural Living, sign control overlay) on 10 acres. The land designated RL-SCp is two small 5 acre parcels near the mid-point of the project's eastern border.

#### ISSUE ANALYSIS:

This proposal affects 273 acres in the community of Apple Valley. The property is within Apple Valley's Sphere of Influence, located 3/4 of a mile south of the town's southern boundary and 1/2 of a mile east of Hesperia's eastern city limit (Mojave River).

The project location places this proposal in an area identified for low density residential and agricultural uses. Land Use Districts to the north, northwest and west are agriculture. Properties from the southwest through the northeast are designated RL. Land use in the vicinity is mixed single-family dwellings, small ranches and agricultural fields. Much of the surrounding property remains in a natural desert state.

This proposal was determined to be a major amendment because the requested land use designation changes the land use category from rural (areas comprised of agricultural and unimproved lands and low intensity residential development) to suburban (areas of low density country living with self provided services and amenities).

The proposed General Plan Amendment satisfies the General Plan Locational Criteria for the RS-1 Land Use District. However, it is not consistent with three major land use/growth management policies. First, development is proceeding faster than the provision of services such as water, sewer and roads. Substantial extensions and infrastructure upgrades would be necessary to support a project of this size and therefore it can best be characterized as leap-frog development. Second, the proposed use and density is significantly different from what exists in the area and as such, contrasts with adjacent land uses and community character. And third, the project lacks support from the Town of Apple Valley. Current town policy as established by the town council, opposes General Plan Amendments in its sphere of influence until such time as a comprehensive land use plan is developed for said sphere. Development within a city's sphere of influence without endorsement from the city may undermine regional growth management goals. Staff considers that due to current county efforts to coordinate with the Town of Apple Valley for planning in the town's sphere of influence that this proposal is premature until a comprehensive plan for the area can be completed.

The environmental consequences of this amendment are potentially numerous and significant. The issues include archeological, biological and cultural resources, public services (fire and police protection, schools), water quantity and quality, open space, air quality, transportation/circulation, aesthetics, demographics, soils, agriculture, noise and hazards.

As previously stated, this project requires a change in Improvement Level from 4 to 3. This General Plan Amendment requests residential development at the maximum density permitted in Improvement Level 3. Development at an increased density would require an Improvement Level of 2 and additional urban infrastructure. Development at a reduced density up to RS-5 (Single Residential, 5 acre minimum parcel size) can be accommodated at Improvement Level 3 and would require the same development standards and address a number of the same environmental issues as required for this General Plan Amendment. Developing at a less dense alternative would reduce the environmental impact but would not resolve the General Plan policy issues.

#### ALTERNATIVES TO PROPOSAL:

ALTERNATIVE 1: Make no change.

ALTERNATIVE 2: Initiate a General Plan Amendment for a less intense density.

RECOMMENDATION:

Deny the request to Initiate the General Plan Land Use District Amendment as proposed (Alternative 1).

## **Deep Creek Agricultural Association**

20326 Siesta Lane  
Apple Valley, CA 92308-8309

September 4, 2007

Matthew Slowick  
Senior Associate Planner  
385 North Arrowhead Ave., 1<sup>st</sup> Floor  
San Bernardino, CA 92415-0182

RECEIVED  
SEP 11 2007  
COUNTY OF SAN BERNARDINO

RE: Notice of Preparation of EIR for Lewis Operating Corp; APN #0438-012-59  
General Plan Amendment and Tentative Tract 16569

Dear Mr. Slowick,

Thank you for sending me my Notice of Preparation of EIR for the Lewis project. I received it on August 24. Therefore, please allocate additional time to our members that just received their notices. I was not surprised that I, as well as others, were not on your original mailing list, even though I am the President of the Deep Creek Agricultural Association and for years have been the focal person. John Schatz in the Victorville office constantly tries to under mind our groups effort to have reasonable growth in our area. This is very typical, as how we are treated. Please incorporate what is left in the file in Victorville. There should be hundreds of letters with ample comments for the EIR.

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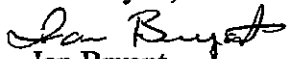
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PAGE 1 OF 3

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ALTERNATIVE 1: Make no change.

ALTERNATIVE 2: Initiate a General Plan Amendment for a less intense density.

RECOMMENDATION:

Deny the request to Initiate the General Plan Land Use District Amendment as proposed (Alternative 1).



APN 438-012-59



# City of Hesperia

Gateway to the High Desert

January 18, 2008

San Bernardino County - Planning  
 Tracy Creason  
 15456 West Sage Street  
 Victorville, CA 92392


Re: Deep Creek Tentative Tract 16569  
 Traffic Impact Analysis (Revised)  
 San Bernardino County, California

Ms. Creason,

We have reviewed the subject Traffic Impact Analysis (TIA) prepared by Urban Crossroads for Lewis Operating Group and have the following comments:

1. We have received the preliminary Engineer's estimate quoting approximately \$1.8 million for the Rock Springs Road / Main Street signal and roadway modifications. The fair share cost allocation should be adjusted accordingly.
2. The City of Hesperia is currently in the design stages for the Rock Springs Road / Main Street signal as well as for the widening of Rock Springs Road within City limits. Construction will begin this summer.
- x 3. Upon approval of the project the developer shall reimburse the City of Hesperia the fair share cost of the signal per contract. Identify how this will occur.
4. The Trip Distribution is inaccurate (see pages 2-5 and 2-6).
5. The TIA does not take into account the construction of the Ranchero Road Corridor at 2030 and the resulting change in Trip Distribution.
- x 6. How will the City of Hesperia receive the funds for the future bridge at Lemon?

If you have any questions or concerns regarding the comments above, please contact me at (760) 947-1451.

  
 John Leveillee, P.E.  
 City Engineer

Adela Fernandez, Mayor  
 Thornton "Smitty" Smith, Mayor Pro Tem  
 Ed Park, Council Member  
 Paul Housley, Council Member  
 Ron Fieger, Council Member

Attila Pongracz, City Manager

x No reimbursement unless the City proceed in paying the County for City's projects impacting County's roads & intersections.

Now as per Maria Kasey  
 on staff mtg. on 2/4/08.

9701 Seventh Ave  
 Hesperia, CA 92343  
 760-947-1000  
 TDD 760-947-1119

www.cityofhesperia.us

Note: These were discussed w. the  
 John Schatz on the phone on 2/6/08. 1008.

**Revised and Recirculated**

**NOTICE OF PREPARATION  
SCH # 2005071104**

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**Deep Creek EIR**

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**LEAD AGENCY:**

**The County of San Bernardino**  
385 North Arrowhead Avenue  
San Bernardino, CA 92415-0182

**Contact: *Matthew Slowik, MURP, MPA,***  
Phone: (909) 387-4372

**Consultant:**



**RBF Consulting**  
3300 E. Guasti Road, Suite 100  
Ontario, CA 91764  
**Contact: *Mr. Kevin Thomas, CEP***  
(909) 974-4900

**DATE**

**NOTE TO THE READER:** The County of San Bernardino has revised and recirculated this Notice of Preparation (“NOP”) to reflect an expanded scope for the Deep Creek Focused EIR, which will now also address biological resources, pursuant to a March 2008 Court of Appeal opinion, as discussed further below. For convenience to the reader, revisions to the NOP are indicated by striking text for deletions (~~example~~) and underlined text for additions (example).

## **I. PROJECT DESCRIPTION IN BRIEF**

On June 9, 2003 Lewis Operating Corporation (“Applicant”) submitted an application to the County of San Bernardino (“County”) for approval of a general plan amendment, tentative tract map, and related entitlements (collectively the “Application”) to allow development of 202 residential lots on approximately 249 acres (the “Project”) in the unincorporated area of the County and within the sphere of influence of the Town of Apple Valley.

## **II. PROJECT LOCATION AND SETTING**

The Project site is located in western San Bernardino County, east of the City of Hesperia, and south of the Town of Apple Valley. The Project site is located within the Apple Valley Sphere of Influence, and is located approximately 10 miles east-northeast of the interchange of Interstate 15 (I-15) and State Route 395. The Project is located east of Deep Creek Road and north of Round Up Way, between Deep Creek Road and the Burlington Northern and Santa Fe (BNSF) Railway tracks. Additionally, the Project site is located in the southwestern Mojave Desert and north of the San Bernardino Mountains.

Direct local access to the Project site is currently provided by Ocotillo Way, which is an unpaved roadway. Access to the site from I-15 can be achieved by traveling east on Main Street, east on Rock Springs Road, and north on Deep Creek Road.

The Project site is currently used for cattle grazing, and is mostly covered by grasslands and scattered Joshua trees. The natural community is moderately disturbed by grazing livestock.

The Project site sits on alluvium that has been terraced by mass grading and agricultural activities, altering the natural character of the Project area, and is located approximately one mile east of the Mojave River. The Project site drains to the northeast. The Project site is situated within an area of rural residential use, agricultural operations, and land that has been generally disturbed. The adjacent land is primarily vacant, with scattered residential uses. A single metal building is located on-site and the site is partially fenced. Cattle operations are located directly south of the Project site.

## **III. BACKGROUND AND HISTORY**

An Initial Study/Mitigated Negative Declaration (the “MND”) was prepared by County staff for the Project for the purpose of complying with the California Environmental Quality Act (“CEQA”). The MND included various technical studies and other available information. As required by CEQA, the Draft MND was circulated for public review for thirty days (from July 21, 2005, through August 19, 2005). Comments were received from members of the public, including comments regarding land use compatibility, traffic impacts, and impacts to agricultural resources. On October 6, 2005, the County Planning Commission recommended that the County Board of Supervisors adopt the MND and approve the Application. On

November 22, 2005, the Board of Supervisors, by unanimous vote, voted to adopt the MND and approve the Application. The previously adopted MND, its related technical studies, the Application, and other information related to approval of the Application are available for review at the County Planning Department address shown below.

On December 21, 2005, Deep Creek Agricultural Association ("Deep Creek"), an unincorporated association of individuals with concerns related to the Project, filed *Deep Creek Agricultural Association v. County of San Bernardino (Lewis Operating Corporation et al.)*, in the San Bernardino County Superior Court as Case No. SCV 133 201 (the "Action"). The Action was commenced with a Petition for Writ of Mandate seeking to set aside the approval of the Application, alleging a series of substantive and procedural failures to comply with CEQA. Among the claims asserted by Deep Creek in the Action were allegations that the County had failed to identify or properly mitigate environmental effects of the Project, including those related to land use, air quality, traffic, loss of agricultural land, water quality, sewage, biological resources, and noise.

On September 13, 2006, the Superior Court heard the arguments of the parties in the Action and announced its ruling. On November 2, 2006, judgment (the "Judgment") reflecting the previously-announced ruling was signed by the Court and subsequently entered. The Judgment was entered in favor of Deep Creek on its claim that the traffic analysis was insufficient. The Court ruled that Deep Creek had "provided substantial evidence that a fair argument exists that the Project does not comply with [CEQA] because [the County] has inadequately studied the Project's traffic impacts." With respect to all other allegations of Deep Creek in the Action, the Court ruled in favor of the County.

The judgment vacated all Project approvals and directed that, if the County was to exercise "its lawful discretion to re-approve the Project," the County must first prepare an environmental impact report ("EIR") to "address the potential traffic impacts of the Project." The Judgment also stated that, pursuant to Public Resources Code § 21168.9, the only required additional analysis to be contained in the [EIR]...shall be an analysis of the potential traffic effects of the Project."

Deep Creek filed a timely appeal of the Judgment to the Court of Appeal of the State of California, Fourth Appellate District (the "Court of Appeal"), and a cross-appeal was filed with respect to the Superior Court's judgment in favor of Deep Creek on the traffic analysis. Among the claims asserted by Deep Creek in the appeal were allegations that the Superior Court erred in requiring the County only to assess traffic impacts of the Project, and that the County should have been order to further identify and/or properly mitigate certain environmental effects of the Project. On March 24, 2008, the Court of Appeal determined that, in addition to assessing traffic impacts, the County must also provide additional analysis of the Project's impacts upon biological resources.

Consistent with Section 15070 (b)(1) of the CEQA Guidelines, the Applicant had agreed to all revisions in the original Project plans and mitigation measures reflected in the MND. The Project Description set forth below for the EIR which is the subject of this Notice of Preparation consists of the Project as approved by the Board of Supervisors on November 22, 2005, and includes those revisions and mitigation measures set forth in the MND. Therefore, consistent with the ruling of the Court of Appeal, Section 15006 (d) of the CEQA Guidelines, and that

Project Description, the scope of the EIR to be prepared for approval of the Project has been narrowed to an analysis of the Project's impacts on traffic and biological resources.

#### **IV. PROJECT CHARACTERISTICS**

The Applicant seeks (1) a General Plan Amendment to change the official land use district from AG-SCp (Agricultural with a primary sign control overlay) to RS-32m (Single Family Residential with a 32,000-square foot minimum parcel size), and (2) Tentative Tract 16569 for 202 single-family residential lots and six lettered lots to be developed in four phases on approximately 249 acres in an unincorporated area of San Bernardino County. Wastewater services will be provided by individual septic systems on each residential lot. The size of lots will average approximately 43,051 square feet, with the median lot size being approximately 43,948 square feet. Of the proposed 202 lots, 68 lots located on the upper terrace of the Project site will measure less than one acre in size (0.74 acre minimum).

The Applicant also proposes to construct a drainage corridor trending in a north-south direction through the western half of the Project site in order to alleviate drainage impacts. Additionally, approximately 25,300 linear feet of new streets and a perimeter wall surrounding the Project will be constructed.

The Project would be developed in four phases: Phase I- 54 lots; Phase II- 60 lots; Phase III- 46 lots; and Phase IV- 42 lots.

Characteristics unrelated to traffic and biological resources are included for informational purposes only and are not subject to further consideration by the County pursuant to the ruling of the Court of Appeal.

#### **V. POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT**

The Court of Appeal has determined that the Project may have significant environmental effects pertaining to traffic and biological resources. Therefore, the County has initiated preparation of an EIR focused on these two issues. The EIR will address these two issues to comply with the direction of the Court of Appeal, but will also consider written responses to this NOP, public and agency comments on the NOP, public scoping meeting comments, consultation with potentially affected agencies, results of available technical studies, and research conducted throughout the EIR process. The following is a discussion of the potential environmental effects that will be further analyzed in the EIR.

**Transportation and Circulation:** The EIR will summarize the results of a Traffic Impact Analysis (TIA) prepared for the EIR, which will address potential impacts to local roadways, intersections and state highways, as well as Congestion Management Plan (CMP) requirements. The analysis will also address the local issue of potential through-traffic on existing residential streets and potential traffic calming or other measures to minimize effects on existing neighborhoods. The EIR will also address construction-related issues such as traffic control and hauling associated with site grading. Mitigation measures will be identified, including the Project's fair share of improvements needed for existing or cumulative conditions.

**Biological Resources:** The EIR will summarize the results of the revised Botanical and Habitat Survey and the Focused Biological Survey prepared for the proposed Project. The EIR

will address potential impacts to biological resources, potential for sensitive habitats, and sensitive species. If necessary, mitigation measures will be identified to reduce potential impacts.

**Additional Environmental Topics:** The EIR will include a discussion of alternatives to the proposed Project, but that discussion will be conducted consistent with Section 15126.6 of the CEQA Guidelines which provides that alternatives discussed are those which, among other requirements, must “avoid or substantially lessen any of the significant effects of the project.” Because the only potential significant effects of the Project have been determined by the Court to be those related to traffic and biological resources, the alternatives discussion will be limited to the alternatives, if any, which would avoid or substantially lessen the significant traffic and biological resources effects, if any, of the Project. Similarly, the Court specifically found that there were no significant cumulative effects of the Project which would be the responsibility of the County. Therefore, the discussion of cumulative effects will be limited to potential cumulative traffic and biological resources effects. Where consistent with the Court’s ruling limiting the EIR analysis to traffic and biological issues, the EIR also will address growth-inducing impacts, significant irreversible environmental changes that would be involved in the proposed action should it be implemented, and effects found not to be significant.

## **VI. ENVIRONMENTAL REVIEW PROCESS**

The County previously circulated the Project’s NOP between July 31, 2007, and August 29, 2007, indicating a focus on traffic impacts. This revised NOP has been circulated to provide opportunity for public comment and input regarding the EIR’s expanded scope, which now also includes biological resources, pursuant to the March 2008 ruling of the Court of Appeal. The County requests that comments on this revised NOP be limited to biological resources and traffic, or any new input or comments that were not identified in previously submitted NOP comments. Following completion of the 30-day NOP public review period, the County will incorporate, if and where appropriate and consistent with the limitations of the ruling of the Court of Appeal, relevant information into the EIR, including relevant technical studies. Subsequently, a Draft EIR will be circulated for public review and comment for the required 45-day public review period. All individuals that have so requested will be placed on a Notice of Availability list for the Draft EIR. In addition, the Draft EIR and related materials will be available for review at the County of San Bernardino Land Use Services Department, 385 North Arrowhead Avenue, First Floor, San Bernardino, California, 92415. Following receipt of all written comments on the Draft EIR, the County will prepare Responses to Comments as part of the Final EIR.

Questions or comments regarding this NOP should be directed to Matthew Slowik, County of San Bernardino Land Use Services Department, 385 North Arrowhead Avenue, First Floor, San Bernardino, California, 92415, telephone (909) 387-4372; or Kevin Thomas, RBF Consulting, 3300 East Guasti Road, Suite 100, Ontario, California 91761, telephone (909) 974-4900.

Prepared by:

Matthew Slowik, MURP, MPA,  
Senior Associate Planner  
County of San Bernardino

Kevin Thomas, CEP  
Consultant Project Manager  
RBF Consulting



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE of PLANNING AND RESEARCH  
2009 FEB 10 AM 10:15  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

Notice of Preparation

February 3, 2009

To: Reviewing Agencies

Re: Lewis Operating Corp, LHC Alligator, LLC (Deep Creek) Project  
SCH# 2005071104

Attached for your review and comment is the Notice of Preparation (NOP) for the Lewis Operating Corp, LHC Alligator, LLC (Deep Creek) Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Matthew Slowik  
San Bernardino County Land Use Services Department  
385 N. Arrowhead, 1st Floor  
San Bernardino, CA 92415-0182

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan  
Assistant Deputy Director & Senior Planner, State Clearinghouse

Attachments  
cc: Lead Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2005071104  
**Project Title** Lewis Operating Corp, LHC Alligator, LLC (Deep Creek) Project  
**Lead Agency** San Bernardino County

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**Type** NOP Notice of Preparation  
**Description** General Plan Amendment to change the land use district from AG-SCp (Agricultural with a Primary Sign Control Overlay) to RS-20m (Single Residential - 20,000 square foot minimum lot size). Tentative Tract Map (#16569) to create 202 single family residential lots and 6 lettered lots on 249 acres.

---

**Lead Agency Contact**

**Name** Matthew Slowik  
**Agency** San Bernardino County Land Use Services Department  
**Phone** 909 387-4147 **Fax**  
**email**  
**Address** 385 N. Arrowhead, 1st Floor  
**City** San Bernardino **State** CA **Zip** 92415-0182

---

**Project Location**

**County** San Bernardino  
**City** Apple Valley  
**Region**  
**Cross Streets** Deep Creek Road / Ocotillo Way  
**Lat / Long**  
**Parcel No.** 0438-012-59, 0438-163-01; 02, 20 & 31  
**Township** 4N **Range** 3W **Section** 20 **Base** SBBM

---

**Proximity to:**

**Highways**  
**Airports**  
**Railways** ATSF  
**Waterways** Mojave River  
**Schools**  
**Land Use** AG - SCp (Agricultural w/ Primary Sign Control Overlay)

---

**Project Issues** Cumulative Effects; Traffic/Circulation; Vegetation; Wildlife; Biological Resources

---

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 6; Department of Food and Agriculture; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; California Highway Patrol; Caltrans, District 8; Regional Water Quality Control Bd., Region 6 (Victorville)

---

**Date Received** 02/03/2009 **Start of Review** 02/03/2009 **End of Review** 03/04/2009

---



# NOP Distribution List

County: San Bernardino

SCH#

AVV3VU1

## Resources Agency

☒ Resources Agency  
Nadell Gayou

☐ Dept. of Boating & Waterways  
Mike Sotelo

☐ California Coastal Commission  
Elizabeth A. Fuchs

☐ Colorado River Board  
Gerald R. Zimmerman

☒ Dept. of Conservation  
Rebecca Salazar

☐ California Energy Commission  
Dale Edwards

☐ Cal Fire  
Allen Robertson

☐ Office of Historic Preservation  
Wayne Donaldson

☒ Dept. of Parks & Recreation  
Environmental Stewardship Section

☐ Central Valley Flood Protection Board  
Jon Yego

☐ S.F. Bay Conservation & Dev't. Comm.  
Steve McAdam

☒ Dept. of Water Resources  
Resources Agency  
Nadell Gayou

☐ Conservancy

## Fish and Game

☒ Depart. of Fish & Game  
Scott Flint  
Environmental Services Division

☐ Fish & Game Region 1  
Donald Koch

☐ Fish & Game Region 1E  
Laurie Harnsberger

☐ Fish & Game Region 2  
Jeff Drongasen

☐ Fish & Game Region 3  
Robert Floeko

☐ Fish & Game Region 4  
Julie Vance

☐ Fish & Game Region 5  
Don Chadwick  
Habitat Conservation Program

☒ Fish & Game Region 6  
Gabriela Gatchel  
Habitat Conservation Program

☐ Fish & Game Region 6 IM  
Gabriela Gatchel  
Inyo/Mono, Habitat Conservation Program

☐ Dept. of Fish & Game IM  
George Isaac  
Marine Region

## Other Departments

☒ Food & Agriculture  
Steve Shaffer  
Dept. of Food and Agriculture

☐ Dept. of General Services  
Public School Construction

☐ Dept. of General Services  
Anna Garbaff  
Environmental Services Section

☐ Dept. of Public Health  
Bridgette Binning  
Dept. of Health/Drinking Water

## Independent Commissions/Boards

☐ Delta Protection Commission  
Linda Flack

☐ Office of Emergency Services  
Dennis Castillo

☐ Governor's Office of Planning & Research  
State Clearinghouse

☒ Native American Heritage Comm.  
Debbie Treadway

☒ Public Utilities Commission  
Leo Wong

☐ Santa Monica Bay Restoration  
Guangyu Wang

☒ State Lands Commission  
Martha Brand

☐ Tahoe Regional Planning Agency (TRPA)  
Cherry Jacques

## Business, Trans & Housing

☐ Caltrans - Division of Aeronautics  
Sandy Hosnoid

☐ Caltrans - Planning  
Terri Putnawic

☒ California Highway Patrol  
Scott Loutschier  
Office of Special Projects

☐ Housing & Community Development  
CEQA Coordinator  
Housing Policy Division

## Dept. of Transportation

☐ Caltrans, District 1  
Rex Jackman

☐ Caltrans, District 2  
Marcellino Gonzalez

☐ Caltrans, District 3  
Bruce de Teira

☐ Caltrans, District 4  
Lisa Carboni

☐ Caltrans, District 5  
David Murray

☐ Caltrans, District 6  
Michael Navarro

☐ Caltrans, District 7  
Elmer Alvarez

☒ Caltrans, District 8  
Dan Kopulsky

☐ Caltrans, District 9  
Gayle Rosander

☐ Caltrans, District 10  
Tom Dumas

☐ Caltrans, District 11  
Jacob Armstrong

☐ Caltrans, District 12  
Ryan P. Charnetain

## Cal EPA

Air Resources Board

☐ Airport Projects  
Jim Lemer

☐ Transportation Projects  
Douglas Ito

☐ Industrial Projects  
Mike Tolstrup

☐ California Integrated Waste Management Board  
Sue O'Leary

☐ State Water Resources Control Board  
Regional Programs Unit  
Division of Financial Assistance

☐ State Water Resources Control Board  
Student Intern, 401 Water Quality Certification Unit  
Division of Water Quality

☐ State Water Resources Control Board  
Steven Herrera  
Division of Water Rights

☐ Dept. of Toxic Substances Control  
CEQA Tracking Center

☐ Department of Pesticide Regulation  
CEQA Coordinator

Regional Water Quality Control Board (RWQCB)

☐ RWQCB 1  
Cathleen Hudson  
North Coast Region (1)

☐ RWQCB 2  
Environmental Document Coordinator  
San Francisco Bay Region (2)

☐ RWQCB 3  
Central Coast Region (3)

☐ RWQCB 4  
Teresa Rodgers  
Los Angeles Region (4)

☐ RWQCB 5S  
Central Valley Region (5)

☐ RWQCB 5F  
Central Valley Region (5)  
Fresno Branch Office

☐ RWQCB 5R  
Central Valley Region (5)  
Rudding Branch Office

☐ RWQCB 6  
Lahontan Region (6)

☒ RWQCB 6V  
Lahontan Region (6)  
Victorville Branch Office

☐ RWQCB 7  
Colorado River Basin Region (7)

☐ RWQCB 8  
Santa Ana Region (8)

☐ RWQCB 9  
San Diego Region (9)

☐ Other

Last Updated on 01/07/2009

# of Completion Supplementary Document M

See NOTE below

SCH 2005071104

Mail to: State Clearinghouse, 1400 Tenth Street Sacramento, CA 95814 916/445-0613

Project Title: **LEWIS OPERATING CORP, LHC ALLIGATOR, LLC (DEEP CREEK) PROJECT**

Lead Agency: San Bernardino County Land Use Services Department

Contact Person: Matthew Slowik

Street Address: 385 N. Arrowhead, 1st Floor

Phone: (909) 387-4147

City: San Bernardino, CA Zip: 92415-0182

County: San Bernardino

## **Project Location**

County: San Bernardino

City/Nearest Community: Apple Valley

Cross Streets: Deep Creek Rd. and Ocotillo Way

Zip Code: 92308

Total Acres: 249

Assessor's Parcel No. 0438-012-59; 0438-163-01.02.20&31 Section: 20 Twp. T4N Range: R3W Base: SBBM

Within 2 Miles: State Hwy #: n.a. Waterways: Mojave River

Airports: \_\_\_\_\_ Railways: A.T.S.F. R.R.

Schools: n.a.

## **Document Type**

CEQA: ☒ NOP.  
☐ Early Cons.  
PROPOSED ☐ Neg. Dec  
☐ Draft EIR

☐ Supplement/Subsequent  
☐ EIR (Prior SCH No.)  
☐ Other

NEPA:

☐ NOI Other: ☐ Joint Document  
☐ EA ☐ Final Document  
☐ Draft EIS ☐ Other  
☐ FONSI

## **Local Action Type**

☐ General Plan Update  
☒ General Plan Amendment  
☐ General Plan Element  
☐ Community Plan

☐ Specific Plan  
☐ Master Plan  
☐ Planned Unit Development  
☐ Site Plan

☐ Sezone  
☐ Prezone  
☐ Use Permit  
☒ Land Division (Subdivision, Parcel Map, Tract Map, etc.)

☐ Annexation  
☐ Redevelopment  
☐ Coastal Permit  
☒ Other: Env. Review

## **Development Type**

☒ Residential: Units 202 Acres 249  
☐ Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_  
☐ Educational \_\_\_\_\_  
☐ Recreational \_\_\_\_\_ ☐ Hazardous Waste: Type \_\_\_\_\_

☐ Water Facilities: Type: \_\_\_\_\_  
☐ Transportation/FC: Type: \_\_\_\_\_  
☐ Mining: Mineral \_\_\_\_\_  
☐ Power: Type \_\_\_\_\_ Watts \_\_\_\_\_  
☐ Waste Treatment Type \_\_\_\_\_  
☐ Other.

## **Project Issues Discussed In Document**

☐ Aesthetic/Visual  
☐ Agricultural Land  
☐ Air Quality  
☐ Archeological/Historical  
☐ Coastal Zone  
☐ Drainage/Absorption  
☐ Economic/Jobs  
☐ Fiscal  
☐ Flood Plain/Flooding  
☐ Forest Land/Fire Hazard  
☐ Geologic/Seismic  
☐ Minerals  
☐ Noise  
☐ Population/Housing Balance  
☐ Public Services/Facilities  
☐ Recreation/Parks

☐ Schools/Universities  
☐ Septic Systems  
☐ Sewer Capacity  
☐ Soil Erosion/Compaction/Grading  
☐ Solid Waste  
☐ Toxic/Hazardous  
☒ Traffic/Circulation  
☒ Vegetation

☐ Water Quality  
☐ Water Supply/Groundwater  
☐ Wetland/Riparian  
☒ Wildlife  
☐ Growth Inducing  
☐ Landuse  
☒ Cumulative Effects  
☒ Other: Biological Res.

## **Present Land Use/Zoning/General Plan Use**

AG-SCp (Agricultural w/Primary Sign Control Overlay)

## **Project Description**

General Plan Amendment to change the land use district from AG-SCp (Agricultural with a Primary Sign Control Overlay) to RS-20m (Single Residential- 20,000 square foot minimum lot size). Tentative Tract Map (#16569) to create 202 single family residential lots and 6 lettered lots on 249 acres.

NOTE: Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. from a Notice of Preparation or previous draft document) please fill it in.

Revised October 1989

KEY

- ☐ = Document sent by lead agency  
X = Document sent by SCH  
✓ = Suggested distribution

**Resources Agency**

- \_\_\_\_\_ Boating & Waterways  
\_\_\_\_\_ Coastal Commission  
\_\_\_\_\_ Coastal Conservancy  
\_\_\_\_\_ Colorado River Board  
✓ \_\_\_\_\_ Conservation  
✓ \_\_\_\_\_ Fish & Game  
\_\_\_\_\_ Forestry  
✓ \_\_\_\_\_ Office of Historic Preservation  
\_\_\_\_\_ Parks & Recreation  
\_\_\_\_\_ Reclamation  
\_\_\_\_\_ S.F. Bay Conservation & Dev. Comm.  
✓ \_\_\_\_\_ Water Resources (DWR)

**Business, Transportation & Housing**

- \_\_\_\_\_ Aeronautics  
✓ \_\_\_\_\_ California Highway Patrol  
✓ \_\_\_\_\_ CALTRANS District # 8  
\_\_\_\_\_ Depart. of Transp. Planning (headquarters)  
\_\_\_\_\_ Housing & Community Development  
\_\_\_\_\_ Conservancy

**Food & Agriculture**

**Health & Welfare**

- ✓ \_\_\_\_\_ Health Services

**State & Consumer Services**

- \_\_\_\_\_ General Services  
\_\_\_\_\_ OLA (Schools)

**Cal-EPA**

- ✓ \_\_\_\_\_ Air Resources Board  
✓ \_\_\_\_\_ APCD/AQMD  
✓ \_\_\_\_\_ California Waste Management Board  
\_\_\_\_\_ SWRCB: Clean Water Grants  
\_\_\_\_\_ SWRCB: Delta Unit  
✓ \_\_\_\_\_ SWRCB: Water Quality  
\_\_\_\_\_ SWRCB: Water Rights  
✓ \_\_\_\_\_ Regional WQCB #Lahontan

**Youth & Adult Corrections**

- \_\_\_\_\_ Corrections

**Independent Commissions & Offices**

- \_\_\_\_\_ Energy Commission  
✓ \_\_\_\_\_ Native American Heritage Commission  
✓ \_\_\_\_\_ Public Utilities Commission  
\_\_\_\_\_ Santa Monica Mountains  
\_\_\_\_\_ State Lands Commission  
\_\_\_\_\_ Tahoe Regional Planning Agency  
\_\_\_\_\_ Other \_\_\_\_\_

**Public Review Period** (to be filled in by lead agency)

Starting Date: January 30, 2009 Ending Date: March 2, 2009

Signature: [Signature] Date: \_\_\_\_\_

**Lead Agency:** San Bernardino County  
Consulting Firm: RBF Consulting  
Address: 3300 East Guasti Rd., Suite 100  
City/State/Zip: Ontario, CA 91761  
Contact: Carrie Kano  
Phone: (909) 974-4918

Applicant: Lewis Operating Corp. LHC Alligator, LLC  
Address: P.O. Box 670  
City/State/Zip: Upland, CA 91785-0670  
Phone: ---(909) 946-7587

**For SCH Use Only:**

Date Received at SCH \_\_\_\_\_  
Date Review Starts \_\_\_\_\_  
Date to Agencies \_\_\_\_\_  
Date to SCH \_\_\_\_\_

Clearance Date \_\_\_\_\_

Notes: \_\_\_\_\_



## Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

2009 FEB 19 PM 2:27

February 13, 2009

Matthew Slowik, Senior Planner  
San Bernardino County Land Use Services Department/Advance Planning Division  
385 North Arrowhead Ave., First Floor  
San Bernardino, CA 92415-0182

### Project: Revised and Recirculated Notice of Preparation, Deep Creek EIR

Dear Mr. Slowik:

The Mojave Desert Air Quality Management District (District) has reviewed the Revised and Recirculated Notice of Preparation for the Deep Creek Focused EIR. The Deep Creek Focused EIR will address biological resources pursuant to Court opinion, as well as summarize the results of a Traffic Impact Analysis prepared for the EIR. The Deep Creek project will allow for the development of 202 residential lots on approximately 249 acres in the unincorporated area of the County and within the sphere of influence of the Town of Apple Valley.

We have reviewed the project and, based on the information available to us at this time, we have no comments.

Thank you for the opportunity to review this planning document. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 6726, or Tracy Walters at extension 6122.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan J. De Salvio". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Alan J. De Salvio  
Supervising Air Quality Engineer

TW/AJD

Revised Recirc NOP Deep Creek EIR



**California Regional Water Quality Control Board  
Lahontan Region**



Linda S. Adams  
Secretary for  
Environmental Protection

Victorville Office  
14440 Civic Drive, Suite 200, Victorville, California 92392  
(760) 241-6583 • Fax (760) 241-7308  
<http://www.waterboards.ca.gov/ahontan>

Arnold Schwarzenegger  
Governor

March 4, 2009

RECEIVED  
MAR 06 2009

File: Environmental Doc Review  
San Bernardino County

Matthew Slowik  
San Bernardino County Land Use Services Dept.  
385 N. Arrowhead, 1<sup>st</sup> Floor  
San Bernardino, CA 92415

APR 14 2009  
ADVANCE PLANNING DIVISION

**COMMENTS ON THE NOTICE OF PREPARATION FOR THE LEWIS OPERATING CORP.  
LHC ALLIGATOR, LLC., DEEP CREEK PROJECT, TENTATIVE TRACT MAP 16569 TO  
CREATE A 202-LOT SUBDIVISION ON 249 ACRES, DEEP CREEK ROAD AND OCOTILLO  
WAY, SAN BERNARDINO COUNTY, STATE CLEARINGHOUSE NO. 2005071104**

Regional Water Quality Control Board staff has the following comments on the above-referenced project.

1. Please ensure that the EIR considers designs that identify features for the post-construction period that will control stormwater on-site or prevent pollutants from non-point sources from entering and degrading surface or ground waters. The foremost method of reducing impacts to watersheds from urban development is "Low Impact Development" (LID), the goals of which are maintaining a landscape functionally equivalent to predevelopment hydrologic conditions and minimal generation of nonpoint source pollutants. LID results in less surface runoff and less pollution routed receiving waters. Principles of LID include:

- Maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge,
- Reducing the impervious cover created by development and the associated transportation network, and
- Managing runoff as close to the source as possible.

We understand that LID development practices that would minimize alteration of drainage and infiltration patterns could also reduce local infrastructure requirements and could benefit energy conservation, air quality, open space, and wildlife habitat. Many planning tools exist to implement the above principles, and a number of recent reports and manuals provide specific guidance regarding LID.

We request incorporate these considerations into the environmental review and into the proposed project design. We request natural drainage patterns be maintained to the extent feasible.

2. Please ensure that the Environmental Document adequately identifies and provides specific information on potential hydrologic changes from stormwater management. The Environmental Document needs to quantify these impacts and consider alternatives that avoid and minimize disturbances. Mitigation must be identified in

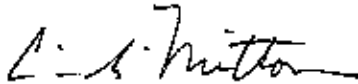
March 4, 2009

environmental document including timing of construction. Mitigation must replace functions and values lost.

3. Please describe the water supply for the proposed project in the EIR.
4. Please note that obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required.

Thank you for the opportunity to review the Notice of Preparation. If you have any questions, please call me at (760) 241-7413.

Sincerely,



Cindi Mitton  
Senior Engineer

cc: State Clearinghouse

CM\rc\CEQA Deep Creek Project 202-lot subd.doc

**Slowik, Matt - LUS - Advance Planning**

---

**From:** Molina, Frank  
**Sent:** Tuesday, February 03, 2009 9:15 AM  
**To:** Slowik, Matt - LUS - Advance Planning  
**Subject:** NOP of EIR for Lewis Operating Corp. (SCH#2005071104)

Matthew W. Slowik, MURP, MPA  
Advance Planning Division  
Land Use Services Department

Matt,

Thank you for giving the San Bernardino County Department of Public Works the opportunity to comment on the above-referenced project.

After reviewing the submitted document, our Department would like to receive a copy of the environmental document and any technical reports/studies that will be prepared for this project, when they become available. At that time, our Department will review the project and provide comments.

--Frank

Frank Molina, Supervising Planner  
Environmental Management Division  
Department of Public Works  
X78113



**MWD**

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

2009 FEB 10 AM 10:15

Executive Office

January 22, 2009

Mr. Matthew Slowik  
County of San Bernardino  
Land Use Services Dept.  
385 North Arrowhead Avenue, 1st Floor  
San Bernardino, California 92415-0182

Dear Mr. Slowik:

Change of Contact for Public Notices Relating to  
CEQA Documents and Environmental Regulatory Permit Application

Effective immediately, please direct all Public Notices and CEQA documents addressed to The Metropolitan Water District of Southern California to:

Ms. Rebecca De Leon  
Environmental Planning Team  
The Metropolitan Water District of Southern California  
700 N. Alameda Street, US3-230  
Los Angeles, CA 90012

If you have any questions, please call me at (213) 217-6217. Thank you for your cooperation.

Very Truly Yours,

Delaine W. Shane  
Manager, Environmental Planning Team

RDL

(Public Folders\FPT\2008 Letters\31-JUL-08A.doc)





## IGLESIA OASIS

P.O. Box 402608 • Hesperia, CA • 92340-2608

(760) 948-5260

February 3, 2009

RECEIVED  
FEB 04 2009  
ALBUQUERQUE, NM  
FEDERAL BUREAU OF INVESTIGATION

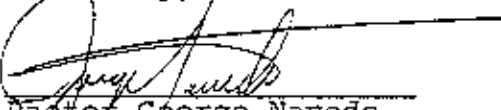
Matthew Slowik  
c/o County of S. Bernardino  
Land Use Services Dept.  
385 N. Arrowhead Ave  
First Floor  
San Bernardino, CA 92415

Dear Mr. Slowik,

We received your package report on the Deep Creek Project.  
We just want you to know that we own property on Deep Creek,  
cross street is Benica and we are very delighted and in  
favor of building those family homes right across from our  
property.

Please let us know, if you find out when the project will  
commence. Thank you and may God bless you.

Sincerely,

  
Pastor George Navedo  
The Oasis Church



APPLE VALLEY EQUINE HOSPITAL, A.P.C.  
R. M. LENHART, D.V.M.

2/9/09

2009 FEB 13 PM 4:26

10083 DEEP CREEK RD  
APPLE VALLEY, CA 92308  
(760) 247-4225

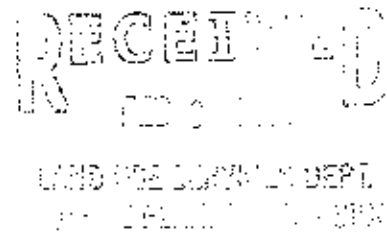
MR MATTHEW SLAWN -

THANK YOU FOR YOUR TIME LAST TUESDAY  
AM (2/3/09) REGARDING THE "LEWIS PROJECT"  
ON DEEP CREEK RD, APPLE VALLEY, CALIF 92308.

THE CONCERN ON DEEP CREEK RD IS THAT THE  
WATER SUPPLY (MOJAVE RIVER) LIES 50-100 FT  
UNDERGROUND (NOT 200-300 FT). SEWAGE SYSTEMS  
ON LESS THAN 2 ACRES PER LOT IS ENVIRONMENTALLY  
UNSAFE. PUTTING A COUPLE HUNDRED SEWAGE  
SYSTEMS IN OUR WATER TABLE ON HALF-ACRE  
LOTS IS NOT CONSISTENT WITH COMMON SENSE  
WATER SAFETY. NO SEWER SYSTEM IS ON  
LINE TO SERVICE THIS HOUSING DEVELOPMENT.

DEEP CREEK WATER IS SOURCE OF THE  
MOJAVE WATER DRAINAGE. THE WATER IN THE  
RIVER THAT TRAVELS NORTH TO SERVE AS THE  
WATER SOURCE FOR VICKSBURG, MURFETON, ETC.  
PLEASE KEEP OUR WATER CLEAN BY ADVISING  
A 2 ACRE MINIMUM SPLOT.

Deep Creek Agricultural Association  
Ellen (Edwards) Gundling  
20326 Siesta Lane  
Apple Valley, Ca. 92308-8309  
(760) 240-8121



February 5, 2009

To: San Bernardino County Land Use Services Department and all other departments including the Board of Supervisors

Re: NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT FOR THE LEWIS OPERATING CORP., LHC ALLIGATOR, LLC., DEEP CREEK (APPLE VALLEY) PROJECT. THE APPLICATION IS FOR A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DISTRICT FROM AG-SCP (AGRICULTURAL WITH A PRIMARY SIGN CONTROL OVERLAY) TO RS-20M (SINGLE RESIDENTIAL-20,000 SQUARE FOOT MINIMUM LOT SIZE) AND A TENTATIVE TRACT MAP (TTM#16569) FOR 202 SINGLE-FAMILY RESIDENTIAL LOTS AND 6 LETTERED LOTS, ON APPROXIMATELY 249 ACRES, IN THE UNINCORPORATED APPLE VALLEY AREA. (SCH#2005071104)

This is in receipt of your letter dated January 29, 2009 from Matthew W. Slowik, MURP, MPA Senior Planner, Advanced Planning Division regarding a notice of preparation, Deep Creek EIR.

Your letter was in remiss in many aspects regarding the property in question. On file with the Planning Department of the County of San Bernardino in the Victorville Office are notations regarding this proposed change in zoning from: agricultural (Land of State Wide Importance) to primarily residential.

Failure to note that the land was purchased in December of 1989, and in early 1990 a zone change was brought before the Board of Supervisors, similar to the one mentioned above, and was unanimously opposed by surrounding residents and concerned citizens as well as the current Board of Supervisors at the time. This precedes the Lewis Operating Corp. and their June 9, 2003 application.

Also inaccurate in your letter was the fact that the "Applicant" first proposed 352 homes on the property in question. When this was met with overwhelming opposition by surrounding residents and concerned citizens, a second proposal of 368 homes was then announced. Again this was met with overwhelming opposition by residents currently living in and around the area who now live on or own property in and around the site.

At this time I am asking the Planning Dept. of the County of San Bernardino and the Board of Supervisors to DENY this project in the better interest of the citizens who have taken the time to write letters and appear in chambers on numerous occasions in opposition to this project.

Let me remind all concerned citizens and employees of the County of San Bernardino of the MISSION STATEMENT:

The mission of the government of the County of San Bernardino is to satisfy its customers by providing service that promotes the health, safety, well being, and quality of life of its residents according to the County Charter, general laws, and the will of the people it serves.

I believe this speaks volumes as to how we conduct ourselves not only in our personal lives but in business relationships as well. In the many people I have had the opportunity to meet and talk to regarding this proposed zone change at (Deep Creek) all are adamantly opposed to the advancement of this project. I have not seen one letter that would convey any improvements this project would bring to the area. There are many stated opposing factors that would impair our health, safety, well being, and quality of life of the residents in the surrounding area if you were to approve this project.

I would also like to remind you that in paragraph two, line nine, you failed to mention that the decision was not unanimous by the Board of Supervisors because Bill Postmus was present at the meeting but recused himself from the vote because of his prejudice or lack of qualification. All of Bill Postmus' influence, questionable at the time and at present, regarding the Board of Supervisors decision is unheard of. I hope that with direction and discretion the present Board of Supervisors will listen to the will of the people and not be influenced by political contributions of other tactics by developers now and in the future.

The (Deep Creek) property was purchased in 1989 as 249 acres of agricultural land. Under current zoning this can be sub-divided into 10 acre parcels and there would be no need for any changes in our way of life in this remote area. Proposing anything of lot sizes smaller than that will be met with strong opposition since most of us rely on private water wells for our drinking sources and knew we were protected by zoning restrictions when we bought property and built homes in this area. Our septic tanks and leach lines are adequate with our lot sizes on the average of approximately 2 ½ acres minimum. If the proposed project is anticipating 202 homes on 249 acres, all with septic tanks and leach lines, then we all should fear the inevitable. This would become one huge waste water, uncontrollable, water polluting, groundbreaking (literally) project.

I am retaining counsel at this time in order to protect the quality of life of myself and my family who own property directly to the north of said project (Deep Creek).

#### TRAFFIC:

Highly significant! Please note, as on record with the County Road Maintenance Dept. Apple Valley yard, Rocksprings Road crossing at the Mojave River is subject to frequent flooding and closures. The only other outlet would be Bear Valley Road to the north, by way of Deep Creek Road.

Deep Creek Road is a paved, two lane road (not engineered) with minimum dirt drainage on both sides. This is an unlighted road with painted lines (not reflective) down

the middle. The intersection at Tussing Ranch Road and Deep Creek Road in an uncontrolled intersected, also not engineered to accommodate traffic at present, and is a blind hill with access to southbound lanes almost impossible to mitigate. Every considerable rainfall leaves an area on Deep Creek Road, just south of Tussing Ranch Road under water for several days until naturally drained off by evaporation. Several accidents have occurred at this point as well as other points along Deep Creek Road in past years. The intersection at Deep Creek Road and Bear Valley Road is also an uncontrolled intersection that currently has to be navigated with all due diligence. I cannot imagine additional traffic on any of these streets or intersections, not to mention an additional 202 homes and the eventual number of cars, trucks, etc. that would have to burden the already cumbersome road conditions.

#### BIOLOGICAL RESOURCES:

Oh boy, here we go! Of, pertaining to, caused by, or affecting life or living organisms.

(Deep Creek), as we call our area, is in the upper tear of the Mojave River Basin. We are literally at the mouth of the Mojave River as it flows north toward Barstow and beyond to the Mojave River Sink. We are the spigot in which we depend on to get water from the ground to supply our needs. Keeping this in mind we would like to protect all human life as well as animal life, and birds of the air, not only in our immediate area but contiguous areas as well.

The Mojave River is a flyway for migratory birds as well as animals. In keeping with the greening of America we should not only protect endangered species but have respect for all living animals and birds as they contribute to the ecological system that we all seem to enjoy.

The residents of Deep Creek area now, and the members of Deep Creek Agricultural Association, are influential in keeping with the premise of conservation and open space. We would like to maintain our quality of life as we see it and are accustomed to. We encourage constructive thinking in tune with conservative aspects of development in our area, but are not encouraged with tract developments and their inherent problems associated with condensed housing.

That being said, I am profoundly disturbed that 202 homes on septic tanks and leach lines would ever be considered. That would be like continuously flushing waste down a drain, and expecting everyone downstream to drink the aftereffects of that wastewater.

Please consider these and all other issues brought before you in numerous letters to the County of San Bernardino, Ca. by all concerned residents before making an ever so important decision on this project. Feel free to visit the site before making a decision, and do not be influenced by the past mistakes made by Bill Postmus.

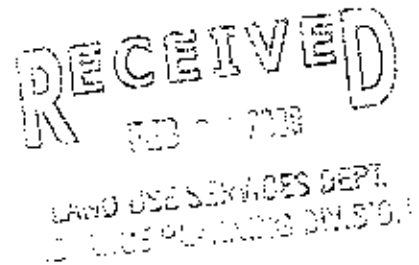
Sincerely,



Ellen (Edwards) Gundling

Ellen Gundling  
20326 Siesta Lane  
Apple Valley, CA. 92308-8309

County of San Bernardino  
Land Use Services Dept.-Advance Planning  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0182



RE: EIR "Deep Creek" (TTM #16569) Lewis Operating Corp.

Address Management:

Please be advised that my address on your mailing list was incorrect. My correct address is:  
Ellen Gundling  
20326 Siesta Lane  
Apple Valley, CA. 92308-8309

Please see copy enclosed of your mailing label on a notice sent out on January 29, 2009.

This also may have been the reason I did not receive the previous notice that was sent out on or around August 24, 2008.

It is important that I receive all correspondence regarding this issue as I am the secretary of the Deep Creek Agricultural Association and I am very concerned about the outcome of this project and or denial of the land use change as indicated.

Thank you for your attention.

A handwritten signature in cursive script that reads "Ellen Gundling".

Ellen Gundling

POSTMASTER: THIS PACKAGE MAY BE OPENED  
FOR POSTAL INSPECTION

**FROM**

County of San Bernardino  
**LAND USE SERVICES DEPARTMENT — ADVANCE PLANNING**  
385 North Arrowhead Avenue, First Floor  
San Bernardino, CA 92415-0182

**RETURN CHARGES GUARANTEED**

Ellen (Edwards) Gendling  
~~20238 Siesta Lane (Section 14)~~  
Apple Valley, CA 92308-8309

**Deep Creek Agricultural Association**

20326 Siesta Lane  
Apple Valley, CA 92308-8309

2009 MAR -4 AM 3: 06

February 23, 2009

Matthew Slowick  
Senior Planner  
385 N. Arrowhead Ave., 1<sup>st</sup> Floor

Re: Notice of Preparation of EIR for Lewis Operating Corp; SCH#2005071104  
General Plan Amendment and Tentative Tract 16569

Dear Mr. Slowick,

Thank you for taking the time to address my concerns regarding the Lewis Operating Corp. Deep Creek project and preparation of an EIR report.

I strongly object to the advancement of this project in our area. I live in close proximity to the proposed project and would like it be known that this condensed housing is not in keeping with the rural lifestyle that surrounds the 242 acres in question. Our lot sizes to the north, south, east and west of this project average 6 ¾ acres with a minimum of 2 ½ acres.

Please see to it that all due diligence is expected in your review and that you consider the health and wellbeing of all residents and concerned citizens in this area and beyond that will be affected.

Thank you,

*Sharon Cannon*  
10312 Deep Creek Rd.  
Apple Valley Ca.  
760-240-1325

*Biggest concerns: Traffic / well water / septic*



**Deep Creek Agricultural Association**

20326 Siesta Lane  
Apple Valley, CA 92308-8309

February 23, 2009

Matthew Slowick  
Senior Planner  
385 N. Arrowhead Ave., 1<sup>st</sup> Floor

RECEIVED  
MAR 04 2009

LAND USE SERVICES DEPT.  
ADVANCE PLANNING DIVISION

Re: Notice of Preparation of EIR for Lewis Operating Corp; SCH#2005071104  
General Plan Amendment and Tentative Tract 16569

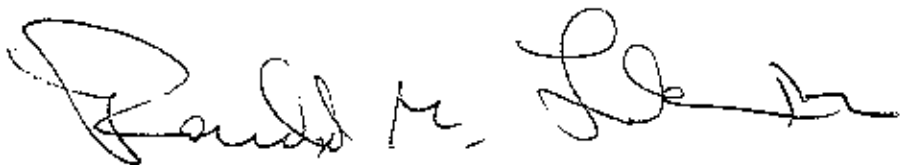
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Please see to it that all due diligence is expected in your review and that you consider the health and wellbeing of all residents and concerned citizens in this area and beyond that will be affected.

Thank you,

  
RONALD M. LENNER, DM

**Deep Creek Agricultural Association**

20326 Siesta Lane  
Apple Valley, CA 92308-8309

RECEIVED  
MAR 11 2009  
LAND USE & PLANNING DEPT.  
ADVANCE PLANNING DIVISION

February 23, 2009

Matthew Slowick  
Senior Planner

385 N. Arrowhead Ave., 1<sup>st</sup> Floor  
SAN BERNARDINO, CA. 92415-0182

Re: Notice of Preparation of EIR for Lewis Operating Corp; SCH#2005071104  
General Plan Amendment and Tentative Tract 16569

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Please see to it that all due diligence is expected in your review and that you consider the health and wellbeing of all residents and concerned citizens in this area and beyond that will be affected.

Thank you,



19955 DANIELLE WAY  
APPLE VALLEY, CA.  
92308

**Deep Creek Agricultural Association**

20326 Siesta Lane  
Apple Valley, CA 92308-8309

2009 MAR 11 PM 11: 21

February 23, 2009

Matthew Slowick  
Senior Planner  
385 N. Arrowhead Ave., 1<sup>st</sup> Floor

Re: Notice of Preparation of EIR for Lewis Operating Corp; SCH#2005071104  
General Plan Amendment and Tentative Tract 16569

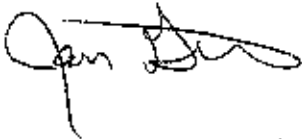
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Please see to it that all due diligence is expected in your review and that you consider the health and wellbeing of all residents and concerned citizens in this area and beyond that will be affected.

Thank you,



Jan Grant  
19821 Danielle Wy.  
Apple Valley, CA 92308

2003 FEB 19 PM 2:25

Dear Sir,

I am writing this letter in response to the letter I have received regarding the proposed plan amendment. It will change the land use district from AG-SCp to RS-20m. Since you want it kept to environmental issues, lets start with the two lane road. With a proposed 202 more homes we are looking at close to 404 more vehicles on a two lane road that is often traveled by people on horseback. Aside from the safety issues, which you don't want to discuss for those of us who ride along that road to get to the river, there is the traffic congestion and pollution from these vehicles. Speaking of pollution; if these homes are all on septic tanks where is that runoff going? Let us now address the issue of a probable water shortage. In an area that has a water shortage why would you build more homes that will draw from the same water source? Will all of those septic leach into our existing wells? What guarantee will existing homeowners have that this will not happen? Please consider the existing wildlife in this area. This is a hunting area for the redtailed hawks, coyotes, snakes, and bobcats. Ground owls also make their homes here. It is sad to see the carcasses of our natural wildlife along the side of the road now? What will it be like when the number of houses increase to 202 thereby increasing traffic to twice that? There are thousands of bank owned and foreclosed homes in the high desert already. Why build more homes? The existing law of two and a half acres was put into effect for agricultural reasons. Those reasons still exist. Horse ranches, ostrich farms, etc. who were in the high desert first have had to move out because of encroaching homes filled with people who complained about noise, Smell, flies, etc, which are a natural part of farm and ranch life. Those of us in the agricultural community would like to see things stay the way they are to ensure our way of life. Thank you for considering my opinions in this matter

Patricia Ann Gee